

**E.G. WEST AND STATE INTERVENTION IN EDUCATION:  
A PHILOSOPHICAL EXPLORATION**

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## ABSTRACT

E.G. West raises, but does not adequately address, philosophical issues concerning the justification for state intervention in education. West's market model is outlined, and likely objections - based on recent arguments against 'internal markets' in education - are explored.

*Chapter 1* outlines West's role for the state in inspecting a 'minimum adequate education for all'. *Chapter 2* examines whether this could overcome the objection that markets won't satisfy equality of opportunity. Williams', Rawls' and Dworkin's arguments on equality are found compatible with West's model. The *curriculum* for West's model is then investigated: *Chapter 3* considers 'education for democracy', and whether compulsion is needed to ensure the desired qualities for democratic participation emerge, or whether they could emerge freely in civil society. A *reductio ad absurdum* argument brings out the illiberal consequence of a compulsory curriculum, of a 'fitness test' for democratic participation. *Chapter 4* explores 'education for autonomy'. John White's argument for a compulsory curriculum for autonomy could undermine other autonomy-promoting institutions in civil society, it is suggested. White's argument depends upon Joseph Raz's argument for state promotion of autonomy, which is explored, raising the 'epistemic argument' for markets. John Gray's argument to this effect is extended, to suggest that there will be difficulties with any 'fleshing out' of West's curriculum if it is to be promoted by the state. One way around this, democratic control of the curriculum, is explored in *chapter 5*. Difficulties with John White's approach arise because of logical constraints on improving democracy, raised by consideration of social choice theory (Arrow's theorem and its corollaries) and public choice theory (logrolling).

*Chapter 6* considers the objection to markets that education is a 'public good', using the arguments of Gerald Grace and Ruth Jonathan. These are put in the context of the game theory literature of De Jasay, Taylor, and Axelrod. The 'public goods dilemma' is explored, to arrive at less pessimistic conclusions about markets in education than the critics of markets we consider. Finally, *chapter 7* briefly relates the issues to the contemporary discussion about markets, including internal markets and vouchers, in education.

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## NOTE ON REFERENCES

I have used what seems to be an acceptable modification of the Harvard System throughout (e.g. see recent issues of the *British Journal of Educational Studies*): when an author is first cited, the name, date of publication, and page reference (if appropriate) is given; thereafter, page references only are given, until another author is cited. This avoids using *ibid* and *op. cit* without running into the cumbersome naming of the author at every citation.

## RELEVANT PUBLISHED WORKS

Chapter 2 of this thesis enlarges upon Tooley (1993b) and briefly touches upon some issues from Tooley (1992b). The argument of Chapter 3 is referred to briefly in Tooley (1993c). Chapter 4 includes some material from Tooley (1993a), while chapter 5 raises some concerns similar to those in Tooley (forthcoming). Chapter 6 incorporates parts of Tooley (1992a).

## ***Chapter 1: Education and the State***

### ***1.1 Introduction***

Is there a philosophical justification for the state to be involved in education? If so, what level of state intervention can be justified? I take as the springboard for exploring these issues, the work of Professor E.G. West. West is one of the foremost proponents of entrusting education to markets, and hence for a much lesser role for the state in education. His most recent discussion to this effect pointed out that the ‘opting out revolution’ in England & Wales, allowing schools to leave Local Education Authority control, was mild in comparison with what he seeks, namely, ‘opting out in the sense of having the family’s tax contributions to education returned to it so that it can once more spend its own funds directly on the purchase of schooling.’ (West 1993 p. 20). Again, after setting out an ‘archetypal’ model of a market education system, where ‘[g]overnment subsidies, whether in the form of grants to private schools or vouchers to parents, are absent’ (West 1991 p. 160), he chastises educationalists for failing to realise that ‘currently proposed voucher systems ... fail to match true market provision of education’ (p. 164).

West’s most well-known and widely-cited work is his *Education and the State* (1965, 2nd edition 1970<sup>1</sup>). Now, to the historian of education, this is a work of some importance in the contemporary debate about education in Victorian England & Wales.

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<sup>1</sup> All references are to the 2nd edition.

Centred on original research, West questioned the accepted wisdom of the role of state intervention in bringing about near-universal schooling and literacy in England & Wales. His major insight that before the state there was considerable private provision of education, and that literacy rates were very high, is now widely accepted, (see e.g. Johnson 1979, Gardner 1984, Stephens 1987) although precise details in his argument are disputed<sup>2</sup>.

However, *Education and the State* is not just a historical treatise: indeed, in the preface, Arthur Seldon claimed that the 'main part' of the book was 'a re-examination of contemporary educational policy from first principles.' (West 1970 p. x). West himself agrees that the work 'is not primarily a volume of history', but is 'an exploration of the social and economic principles of [state] intervention' (p. xx). To the philosopher of education, his discussion of these issues is not entirely satisfactory. For he discusses many issues of philosophical import, such as the protection of minors, equality of opportunity, and education for democracy, but, does not address the philosophical literature focused on precisely those issues<sup>3</sup>. Later work of West's took the economic and historical arguments further<sup>4</sup>, but didn't develop these philosophical issues. This neglect is excusable in a path-breaking and interdisciplinary book of this nature; West was not a philosopher and these problems do not detract

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<sup>2</sup> The debate is reviewed in appendix 1.

<sup>3</sup> Philosophy of education as a discipline of course was in its infancy when West was writing: however, there was still much written by 'pure' philosophers of relevance to his discussion which he did not address; e.g. Williams (1962) on equality of opportunity and education.

<sup>4</sup> See for example, West 1975a, 1975b, 1975c, 1981, 1984, 1985, 1986, 1989, 1990, 1991.



from the development of his historical and economic arguments. However, the suspicion must be that, had West addressed philosophical concerns, he may well have arrived at different *policy* conclusions, and been less sanguine about leaving education largely outside of state intervention.

This thesis attempts to fill the philosophical lacuna in West's argument. It uses West's discussion as a springboard to explore these important philosophical issues, including the central question of the justification for state intervention in education. My method will be to *complement* West's historical and economic arguments and assumptions with a philosophical dimension. Hence, the historical and economic angles of his work will not be taken any further.

West's arguments are particularly germane to the current political and educational debate about the role of 'markets' in educational provision. To emphasise this relevance, my method will be to use the recent literature criticising recent moves towards markets in England & Wales, showing how these criticisms will also be relevant to West's argument. I will also make brief comments in the concluding chapter about the relevance of his argument, if any, to those concerned with these current policy issues.

In a thesis of this length there is not space to tackle all the concerns raised by an issue of such importance, so I propose to narrow the scope of the work in three main, although related, ways. Firstly, motivated by the contemporary critique of markets from the 'political left', I am not interested here in exploring the viability of a *more*

'libertarian' position than West sets out. So I will not be examining arguments in political philosophy which question whether we need a state at all (see for example, Nozick 1974 part 1); nor arguments emphasising the need for the state to get out of education altogether (see for example Rothbard 1975 pp. 102-107). My main concern is exploring the dialogue that could emerge between West and those unsympathetic to markets from the 'political left', to see if there could be some agreement reached between them on a minimum role for the state. This approach is in itself justified on the grounds that it clearly reflects West's own concerns in writing *Education and the State*<sup>5</sup>.

Secondly, the springboard for this work is the 'educational model in political economy' which West sets out, based on, as we shall see, four explicit assumptions. These four assumptions will, by and large, be taken as given: the aim of the thesis, is to take West's model and see what follows from this. Related to both of these issues is the third narrowing of scope, in that the thesis will not attempt to construct a *positive* case for markets, in terms of the virtues markets can inculcate<sup>6</sup>, or their efficiency in economic terms, and so on. However, brief comments along these lines will be made in several places to complement the discussion, but these must be taken as setting out the agenda for future research: this thesis fundamentally aims to tackle the objections laid against markets, rather than attempting a wholesale defence of

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<sup>5</sup> For example, he himself accepts, as we shall see below, the 'protection of minors' principle which gives the role for the state in education; the main criticisms which he considers throughout the book reflect the concerns of the political left, for example, on equality of opportunity, and education for democracy.

<sup>6</sup> For discussion along these lines see Gray (1992) and Novak (1992); Smith ([1776], 1976) is of course also relevant.

them.

The central question of this thesis is thus: *Given West's assumptions, what is the minimum justified role for the state in education?* In particular, what is the minimum justified level of state regulation of the curriculum?

The thesis is divided into 7 chapters. This first chapter shortly outlines West's model and assumptions, with the aim of distinguishing those issues of philosophical import from issues of empirical, historical and economic importance, as well as examining the coherence of his argument, relating his conclusions to his assumptions. Of fundamental importance to the philosopher of education is that West sees the main role for the state as setting and policing a 'minimum adequate education for all'; this provides much of the impetus for the remaining chapters.

*Chapter 2* examines whether this requirement could overcome the frequently-cited objection to markets that they won't satisfy equality of opportunity. Exploration of recent philosophical writing, by Bernard Williams, John Rawls and Ronald Dworkin, on this issue suggests that perhaps it would, that what these philosophers really mean by 'equality of opportunity' is something closer to the demand that no-one should fall beneath a minimum adequate level of living standards. We then take up the challenge to 'flesh out' the important issue of the *curriculum* of West's minimum adequate education. This strand provides the basis for the next three chapters.

*Chapter 3* explores whether an 'education for democracy' could provide the basis for

this curriculum - noting again that it is a common criticism of markets that they will fail to provide for this. Arriving at doubtful conclusions, *chapter 4* explores the related but not identical 'education for autonomy' as a possible basis for West's curriculum. This takes us into detailed discussion of Joseph Raz's argument, central to the examination of West's argument, of whether states are justified in promoting the autonomy of their citizens. Again, doubtful conclusions are reached, and a suggestion that there will be difficulties with any 'fleshing out' of West's curriculum, if it is to be argued that the curriculum has to be promoted by the state. Given this impasse, the possibility presents itself that it is misguided for one philosopher of education to attempt to arrive at the solution to the curriculum issue, but that what is desirable is that the decision should be reached by 'the people' themselves, through the democratic process. We turn to explore this possibility in *chapter 5*, examining John White's recent argument concerning the need for democratic control of the curriculum (with implications noted to control of education more generally). We argue that difficulties with this approach arise because of logical constraints on improving democracy.

This takes this strand of the argument concerned with the curriculum as far as it will go in this thesis. However, there is another strand of argument which challenges the heart of West's market model, concerned with the range of possible state intervention, including provision, funding and regulation: that is that education is a 'public good'; we find that this is an important focus of West's own discussion, concerned as he is with the 'externalities' or 'neighbourhood effects' of education. This strand is taken up in *chapter 6*, where we examine the arguments of Gerald Grace and Ruth Jonathan

on this issue, and put them into the broader context of discussion of the 'public goods dilemma'.

Finally, *chapter 7* pulls all the threads of the argument together, points to tentative conclusions regarding West's market model, and briefly relates these to the contemporary discussion about markets in education.

## 1.2 West's 'market model'

I now turn to explore West's argument set out in *Education and the State* concerning the minimum justified state intervention in education. I first outline his 'market model', its assumptions, and the conclusions West draws from it, before considering the issue of what exactly is meant by a 'minimum level' of state involvement. I then examine if West's conclusions follow from his model, and point to those philosophical issues which are of concern to us throughout the thesis, as well as to those issues of empirical or economic importance which we will not be addressing.

In the concluding section of *Education and the State*, West invites us to conduct a thought experiment:

'In order to crystallise the arguments of the various parts of this book it will be helpful first to conduct a discussion on the assumption that we are about to establish our state intervention for the very first time and under explicit conditions. It is hoped that such a hypothetical exercise will serve as a peg on which to hang most of the more important findings of earlier chapters.' (West 1970 p. 199).

The model - his 'educational model in political economy', henceforth dubbed 'West's market model' - that emerges from this thought experiment is the springboard for discussion in this thesis. It is a model which allows West to clarify what he sees to be the *minimum*<sup>7</sup> justified state intervention in education, in a particular idealised society, but one nonetheless which West feels has implications for actual societies.

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<sup>7</sup> We will explore what is meant by 'minimum' state involvement below.

In West's model, there are four explicit assumptions: *firstly*, that it is agreed that there is a justification for the state to intervene in education to ensure that all children have some specified 'minimum adequate education'; although *secondly*, the state isn't as yet involved in education at all; *thirdly*, that there is a low tax regime and hence families have disposable income which they could use to fund their children's education; and *finally*, that families can be classified as belonging to four groups, and that the largest of these groups does procure educational opportunities (of quality not specified) for their children, despite the lack of state involvement.

Given these four assumptions, West then argues their implications for a minimum role for the state in education. The assumptions lead to: (a) the need for the state to set minimum standards of required educational opportunities<sup>8</sup>; (b) to set up an Inspectorate to police these standards; (c) to fund the education of those children whose families are too poor to provide for them; and (d) to selectively compel children to partake of educational opportunities who otherwise, without compulsion, would not have done so. These are his minimum requirements for state intervention in education in his model society. Moreover, it is implicit in the remarks quoted above (from West 1970 p. 199) that this minimum state intervention in the model will

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<sup>8</sup> Note that when he outlines his 'educational model in political economy', West seems at times to be equating schooling with education, and hence writes about schooling rather than this more general 'educational opportunity'. Elsewhere in the book, he makes it clear that this is not his intention, and that the appropriate education he is describing could be acquired in a variety of ways, in the family, through the media, religious and community groups, etc., and not just through schooling (pp. 12-13, chapter 2, and pp. 191-5).

satisfy potential criticisms of such minimal involvement concerned with equality of opportunity, and education for democracy, law and order and economic growth (for these are all addressed in, and 'important findings' brought forward from, the 'earlier chapters' of West 1970). Finally, West then hopes to show that this model bears some resemblance to the situation pertaining in England & Wales in the nineteenth century, and moreover that there are lessons to be learnt from it for the contemporary debate about the involvement of the state in education.

West thus hoped that his model could demonstrate that a strong case could be made for market provision of education, and against the extensive state involvement in England & Wales and the USA. Clearly his argument is important to address, particularly in the light of the recent debate about market provision in England & Wales, and for the more general argument about the role of the state in education. Before moving to establish the coherence of West's model and to locate those philosophical concerns which need examination, we need to be clear what is meant by 'minimum' state involvement.



### 1.3 *Minimum state involvement in education*

Now, nowhere in *Education and the State* does West explicitly claim that it is the *minimum* state involvement in education, (compatible with certain other arguments and his assumptions), which is being sought. However, comments made in several places suggest that this is in fact what he is looking for. For example, when he discusses the comparative advantage of selective over universal compulsion, (pp. 206-7), he makes it clear that he prefers the former because it is all that is needed, and that going for the latter would be 'over-reaching ourselves' (p. 207); it is clear that he is wary of the growth of government (see pp. 2, 203 and 207, for example), and hence likely to wish for as little government intervention in education as is compatible with his other principles and assumptions; moreover, these suggestions are made explicit in later writings (see West 1991, 1993).

When we come to examine what could be meant by 'minimum' state involvement, it seems the classical liberal tradition is concerned with three issues: the *size* of the bureaucracy of the state, *cost* of the state, and the *invasiveness*, or *intrusiveness* of the state (Gray 1992, p. 89; Kukathas 1992 p. 113). We will assume then, that what West is searching for is minimal state involvement in education in terms related to these three issues. We are not interested in the context of this thesis in more precise measures of each of these - so for example, it is of no great concern to us whether the *size* of the bureaucracy of the state is measured in terms of personnel employed by it, or proportion of some measure of national wealth consumed, or produced, by it. But we are interested in one potential problem. While the size of the bureaucracy and cost

of the state probably bear some relationship to each other<sup>9</sup>, it is not clear how the *intrusiveness* of the state relates to the other two factors. For example, a low-cost, small-bureaucracy state might be very intrusive, if the great majority of its personnel were employed on secret police duties. The relationship between the invasiveness of the state, and other issues of size of the state will be of importance in the discussion which follows, for this contrived example shows that it is theoretically possible that a lesser degree of state involvement in terms of costs or size could lead to a greater degree of state involvement in terms of invasiveness. So it might not be a straightforward matter to decide which of two options for state involvement is the *lesser* involvement. It could require some quite elaborate, and probably somewhat arbitrary (if interpersonal comparisons of utility, for example, have to be made) calculation to decide whether one system involved less state intervention than another. Some examples of possible difficulties will be highlighted in section 1.6 below.

Finally, before moving onto examine West's assumptions, let us clarify what is meant by state *involvement* in education. States can be involved in three distinct ways: through *regulation*, for example of the curriculum, or compulsion of attendance at educational institutions; through *funding*, for example by providing vouchers; and finally, through *provision*, for example, by providing educational establishments, or peripatetic teachers. Each of these categories is independent of the others. So even if a state provides educational opportunities, this does not mean that it would have to also fund them: it could do this by collecting private conscriptions, contributions, or

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<sup>9</sup> Although not necessarily - for if a state doubled its employees but paid them all half their previous wages, then on some measure the state could have doubled in size but remained at roughly the same cost.

fees, or a mixture of all three. Similarly, funding does not depend upon provision, nor does regulation imply funding or provision, and so on. We see examples of the independence of these three types of state involvement in other areas: for example, the British state has undertaken to build the Channel Tunnel Rail Link, but will fund this partly through private investment (provision separate from funding); state regulation compels car drivers to carry third-party insurance, but there is no state funding or provision of this (regulation separate from funding or provision); unemployment benefit from the state is primarily to provide food and clothes for the recipient and family, but there are no state food or clothing stores, (funding separate from provision)<sup>10</sup>.

With these brief comments, we return now to West's model, to examine the assumptions on which his model is based.

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<sup>10</sup> Note that in all these areas the state is involved in some regulation: of investment, insurance, and of food and clothing stores.

#### 1.4 West's assumptions

##### Assumption 1: the protection of minors principle

The protection of minors principle states that families do not have 'absolute' power over their children, and that the state can intervene in, *inter alia*, the education of a child when it is discovered that 'a child is being deprived of a "reasonable" minimum of education.' (West 1970 p. 199). Now West himself thinks that this principle will receive wide agreement, from economists and the general public: he notes that even the most ardent 19th century supporters of *laissez faire* were prepared to make exceptions to their 'general principle of freedom of contract', and a 'prominent example' of these exceptions concerned children (p. 7). Children are especially defenceless, and hence 'the state had special obligations towards them' (p. 7). This position, he suggests 'seems to have been readily accepted by liberal economists ever since' (p. 7). He also thinks that the important role of the family will not be seriously disputed (p. 233)<sup>11</sup>. So, West holds that individuals, and hence families, 'concede' (p. 199) to the state the right to intervene in failing families. Within the framework of this thesis, this assumption will not be questioned<sup>12</sup>.

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<sup>11</sup> Recent discussion from 'the left' seems to complement that from 'the right' that there is certainly some recent agreement from across the political spectrum, reinforcing West's claim, on an important role for the family in society (see for example, Dennis and Erdos 1992, Halsey 1992, and Davies (ed) 1993).

<sup>12</sup> As remarked above, we are not interested here in defending a 'more libertarian' position than that set out by West, in challenging the notion that there is some role for the state to protect minors. Nor will we defend the importance given to families. These issues are, of course, of great interest philosophically, but are beyond the scope of this thesis to explore.

Assumption 2: no state involvement in education

West asks us to think of a society in which 'state education has not so far been established.' (West 1970 p. 200). That is, we are in an 'original position', able to decide from this position to what extent we would wish to see the state involved.

Assumption 3: a low tax society

In West's model it follows, he writes, from Assumption 2 that taxation is 'correspondingly' lower than what we are used to in contemporary societies: hence it could be the case that this lower taxation is due entirely to the fact that the government is not spending money on education. In this case, we might wonder how *much* lower these taxes would be, because it might be felt that, in societies such as the UK, education isn't a huge proportion of the state's budget, so if this expenditure was removed, taxes wouldn't be *that* much lower. How much lower does West need them to be? Presumably what he needs is for them to be low enough that most (see below) families have 'more disposable money in their purses' (p. 200) *in order to be able to fund educational opportunities for their children*<sup>13</sup>. If the lower taxation was due to the fact that governments were not involved in other areas of social services too, than presumably we would see taxes much lower than if government was not just involved in education; but then families might need to spend more money on other services - health, unemployment insurance, etc., so they might still not have enough to pay for their children's education. West's assumption, therefore that the majority of families would be able to afford to pay for their children's education given this

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<sup>13</sup> The wording here is carefully chosen: I am not saying that they would be able 'to fund their children's education', for this would have implications which wouldn't follow at this stage that the education is adequate.

lower tax regime raises many difficult *economic* questions, which West does in part address in the book (pp. 44-5, 184) and in more detail elsewhere (for example, West 1975a, 1985)<sup>14</sup>.

Again, for the purposes of this thesis we will not take this discussion further. We can note that West's position has stimulated some controversy: if economists could show the implausibility of the assumption then the scope of his model, and hence of this thesis, might be curtailed<sup>15</sup>. So the majority of parents can afford educational opportunities: how many parents this would be is the subject of West's fourth assumption.

Assumption 4: families can be classified into four groups; the majority of families are procuring educational opportunities for their children

West's families can be classified into four groups<sup>16</sup>:

group 1: responsible and not poor families;

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<sup>14</sup> Part of this work addresses the relative costs of state education and private education, and the amount of money that gets lost through any bureaucratic system, suggesting that it would not be as difficult as some commentators have suggested for parents to fund good quality education themselves. At one stage he concedes that some families might experience cash flow problems when children were young, and that another function of the government could be to lend money to those families until such time that they had higher incomes and lower outgoings (see West 1975a, pp. 1-27); however, he later may have withdrawn from this position too, noting that private capital markets and/or philanthropy could equally well provide for these areas (see West 1991).

<sup>15</sup> Or if West's 1975a modifications were shown to be plausible, then this would have additional implications for the role of the state in education, namely that of loaning money to families.

<sup>16</sup> The labels are mine, not West's.

group 2: irresponsible and not poor families;

group 3: responsible and poor families;

group 4: irresponsible and poor families;

where 'responsible' defines a family which wants to provide educational opportunities for its children, and by 'not poor' is meant they can afford to do so (West 1970 pp. 202-6). Thus families in group 1 provide educational opportunities for their children, group 3 doesn't but would like to, and groups 2 and 4 don't primarily because they are not interested, although group 4 couldn't afford to do so even if the families within it *were* motivated enough.

West then assumes that 95% of parents would be in group 1, and that the remaining 5% would be shared between the other three groups (p. 200)<sup>17</sup>. He makes this assumption based on his historical analysis of nineteenth century England & Wales, being what he would, at a minimum, expect of families' educational provision in our model society without state involvement (p. 200). Note that this assumption is important to the argument that follows, for if, as West himself acknowledges (in chapter 14), the figures were reversed - and only say 5% of families provided for their children's education, then the model would be severely distorted (for reasons which will become apparent, if they are not already so) and different policy prescriptions might well be derived.

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<sup>17</sup> Indeed, West gives more precise figures: out of every 1000 families, he suggests the following rough classification might prevail: group 1: 950; group 2: 15; group 3: 20; group 4: 15 (pp. 202-6). However, the figures in groups 2-4 seem to be for illustrative purposes only, and are not crucial to the argument.

Four points concern this assumption: *Firstly*, it is based on West's historical analysis, which has received much criticism. However, on my reading of the debate<sup>18</sup>, the discussion concerning the *numbers* of children attending schooling is disputed only on the margins: so it may well be that a consensus view could be reached from the evidence which perhaps lowered the figures somewhat, but didn't effect greatly West's initial assumption.

*Secondly*, this assumption is clearly not *dependent* on the historical evidence. Even if West was over-optimistic about the quantity or the quality of education in Victorian England & Wales, his optimism could be applicable to a society which was less poverty-ridden. Moreover, of course, his model doesn't have to have any basis in reality: it could be used to examine whether, even under optimistic predictions about the provision of educational opportunities without the state, there could still be a role for the state nevertheless. These conclusions could then inform debate on policy for societies less well-endowed.

*Thirdly*, West claims only that families will fit into one of these four groups, not that we have any fail-safe way of so classifying any particular family encountered. For example, if we came across a family which does not send its children to school, we would not know which group they fitted into. They could be providing their children with educational opportunities at home, (hence fit into group 1) or they could be using them for housework or other cheap labour and denying them educational opportunities even though they could afford to provide these (hence fitting into group 2). Worse,

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<sup>18</sup> See Appendix 1.



the children could be doing housework and so on, and we could see that the family was probably too poor to provide educational opportunities, but *still* not know from this whether they were in groups 3 or 4, that is, whether if they had the funds, they would or would not provide educational opportunities for their children.

*Fourthly*, and crucially, (for it may have seemed that in this assumption, West was actually smuggling in his conclusions about the viability of education without the state), West is only claiming that families in group 1 are providing educational opportunities, not that these opportunities are *adequate* in the sense of satisfying the minimum state requirements. We will explore the ramifications of these last two assumptions shortly.

### 1.5 West's conclusions

Given these four assumptions, we now turn to the central question raised by West: what is the minimum justified role for the state in education in his model society, in terms of regulation, funding and provision, compatible with these four assumptions? Two concerns are raised: *firstly*, what role should the state play concerning the proportion of children who are not receiving educational opportunities at all? *Secondly*, should the state intervene in the education of the majority who are receiving educational opportunities - this intervention would primarily be concerned with improving the quality of these educational experiences (West 1970 p. 200).

West recognises that his first assumption - the protection of minors principle - means that there is a role for the state to intervene in education, on both these counts. It should intervene not only for the minority not being educationally provided for, but also to ensure that the quality of the education received by the majority is of an adequate standard. Hence the *first* justified involvement of the state is to establish the 'minimum adequate education' which must be offered to all children (p. 201). He also agrees that the minimum standards would need to be policed, so an inspectorate would need to be established to oversee these standards (p. 201). West notes, almost in passing, that this minimum could be established in terms of length of time at school (he suggests eight years, p. 201), or in terms of the quality of the teaching resources or teachers (suggested by footnote 1, p. 201).

The *second* justified involvement of the state in education, West notes, could be to intervene in the *markets* of education, to ensure that there was better competition

between educational institutions. Under more free markets 'there would be every reason to expect efficiency in schools [or other educational institutions] to continue rising until they all exceeded and made superfluous the minimum standards originally specified by the state.' (p. 201). This argument, about the efficiency of markets, will not be taken further in the context of this thesis.

*Thirdly*, West agrees that the state would be justified in intervening in the (suggested) 5% of families who do not provide educational opportunities for their children (p. 202), namely groups 2-4 mentioned above. He argues that those in group 3, *ex hypothesis*, simply need more money, and then they will give their children adequate educational opportunities. So the problem of these poor families can simply be met by 'the provision of direct money grants from the state' (p. 203), through negative income tax, supplemented by payments for non-taxpayers. These families would use this money to buy schooling, because, *ex hypothesis* they are 'responsible'. Families in groups 2 and 4 need some slightly different treatment. What is needed, West argues, is selective compulsion for these 'irresponsible' families. By 'selective compulsion', West draws a parallel with 'the way in which we protect infants from physical neglect such as malnutrition.' In those cases, the state 'has means to see to it that no family is without the purchasing power necessary to feed and clothe a child to a certain standard. The total apparatus of protection is then strengthened (sic) by the provision whereby health visitors are allowed periodic access to children in their own homes. Such persons have the duty to report clear cases of parental neglect to the Child Care Office. This authority then has it in its power to bring into operation procedures which in effect amount to compulsion of the parents.' (pp. 204-5). This

is the type of 'selective compulsion' he envisages for the educationally-irresponsible parents. In parallel with this compulsion, finance would be needed for those in group 4, who are not only irresponsible but also poor, and this would be most easily met by the provision of educational vouchers to be spent only in the school or other educational establishment of their choice.

### 1.6 Critique

These are West's prescriptions for the justified minimum state intervention in his model society, given his four assumptions. Now, three issues are raised concerning the coherence of the implications West draws from his assumptions. Firstly, we will discuss the issue of the 'minimum adequate education', and ask if West has given this sufficient attention; importantly, this raises concern about West's solution for the majority of families. Secondly, we are concerned with whether West has solved the problems of what to do with the small minority of families who are not providing educational opportunities for their children (West's 5%). Thirdly, we are interested in whether West's solutions do bring about a *minimum* state involvement in education.

#### *Minimum adequate education*

Now, West does not explicitly mention in connection with his model issues which are of great importance to philosophers of education (and others), which are likely to feature very highly on their lists of what is needed in a minimum adequate education, namely, the *content* of what is taught and learnt in educational settings. We will define the content of what is taught and learnt in, and the ethos and organisation of, these educational settings as their *curriculum*. Hence we note that it is very likely that educationalists will seek minimum standards in terms of a minimum, or core, *curriculum*, which every child should have the opportunity to enjoy.

Now interestingly, West has discussed, although not explicitly, this sense of curriculum in the earlier chapters of *Education and the State*, particularly in

connection with education for democracy (chs. 4 and 6). Given his remarks quoted earlier (from p. 199) it is also clear that he feels he has addressed the concerns raised there in his 'market model'. One of the crucial areas we will need to address in the remainder of this thesis, then, is whether West has adequately dealt with these issues, or whether discussion of the crucial philosophical questions of the curriculum bring implications for West's model which he has avoided.

Related to this concern is the fact that West hasn't considered the repercussions of the minimum standards for group 1, that is the great majority in his model who *are* offering educational opportunities for their children - for recall, nowhere has he said that they are offering *adequate* educational opportunities. If this is taken into account, then we see that his group 1 could be divided into 5 *sub-groups*, each with different implications for the involvement of the state. In fact, group 1 turns out to be a microcosm of the society at large! Group 1a would be that proportion of group 1 who satisfy the inspectorate that they are providing *adequate* educational opportunities for their children. Groups 1b, 1c 1d and 1e are found not to be. Groups 1b and 1d, on discovering this, are motivated to do something about it, group 1b is able to do so, but group 1d is not wealthy enough to provide improved educational opportunities. Finally, groups 1c and 1e are not motivated to offer improved educational opportunities for their children, they consider that what they have so far provided was adequate in their own terms and decide not to do any more, even though they have seen the inspectors' reports; however group 1c does have enough funds to improve the

educational opportunities, whereas group 1e does not<sup>19</sup>. Questions arise about each of these subgroups, which West simply ignores. In effect, what West considered to be the solution for *all* of his group 1 turns out only to be the solution for groups 1a and 1b.

In other words, his solution is inadequate, and the solution he proposes for groups 2-4 are in fact transferable across to some proportion of his group 1 too. Crucially, we have no estimate of what proportion of group 1 this will be. This will depend a great deal on what the curriculum for the 'minimum adequate education' turns out to be - if this curriculum is demanding, then it might be found that groups 1a and 1b were in the minority, with repercussions as noted above for the strength of West's conclusions. We will return to this discussion in the concluding chapter to this thesis, when we are clearer on what the minimum adequate education should be.

#### *Solving the problems of groups 2-4*

A small problem concerns how West's solutions for groups 2-4 can be brought into effect, because of the problem with identifying to which group a particular family belongs. Distinguishing families in groups 3 and 4 (families who are poor and not providing educational opportunities for their children) from families in group 2 (not poor but irresponsible)<sup>20</sup>, could be accurately accomplished using a 'means-test' - but

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<sup>19</sup> That is, groups 1a and 1b relate to West's group 1; group 1c is the 'irresponsible and not poor' equivalent of group 2; group 1d is the 'responsible and poor' equivalent of group 3; and group 1e the 'irresponsible and poor' equivalent of group 4.

<sup>20</sup> With parallel implications for distinguishing finding those families in the new groups 1d and 1e from those in group 1c.

this is likely to be intrusive (with implications for the 'minimum state involvement') and encourage the 'poverty trap' (Kendall and Louw 1989 p. 234); so West is likely to favour the alternative of allowing the state to ask established charities to ascertain those who are needy<sup>21</sup>. But then, having located those families who are too poor to provide adequate educational opportunities, (that is groups 3, 4, 1d and 1e), how do we sort out those who are in groups 3 or 1d (the responsible families), from those in groups 4 or 1e (the irresponsible ones)? - for West argues that both need different solutions. Clearly, the means-test, or the charity investigation, examines wealth only, not responsibility. If a family was found to be too poor to provide adequate educational opportunities, and is then given funds, either through negative income tax, or a cash handout, as West indicates is the solution for group 3 (and hence group 1d), then this money will also go to those who are in group 4 (and group 1e), for it is hard to see how to decide which family is in which group! This difficulty is likely to be an argument against cash-handouts to anyone, and in favour of educational vouchers (which West has suggested are the solution for group 4) to all families found to be too poor to provide adequate educational opportunities. So it seems West's conclusions need to be thus modified. Given these vouchers, then, it is now straightforward to apply West's selective compulsion to those with vouchers who still don't bother to make adequate educational arrangements for their children (i.e to groups 4 and 1e).

Still one problem remains for West's group 2 and the revised group 1c. Families in these groups are wealthy enough to provide adequate educational opportunities for their children but are not doing so. According to West the solution for them is that

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<sup>21</sup> It is perhaps an omission in his work that he doesn't discuss this issue.



they should be (selectively) compelled to provide educational opportunities for their children, without receiving any additional funds to help them do so. But just because they are not poor, doesn't mean that they will be able to find the additional funds without causing some hardship. For example, they could be relatively well-off, but the parents insist on spending all their disposable income on luxuries; if they are compelled to provide educational opportunities for their children, they might pay for these out of another essential part of their budget, rather than the discretionary part, for example cutting back on the children's food or clothes. Or they might simply be relatively well-off but bad at managing their budgets, so if compelled to find funds for educational opportunities, fall into debt, or again cut-back on other essentials. So the solution for groups 2 and 1c could cause some hardship, which might undermine the desirability of West's solution. In the spirit of West's approach, we would presumably seek specific action for this specific problem. For example, it might lead us to decide that further state intervention would be needed for these families to ensure that they not only spent some of their money on their children's education, but also didn't skimp on other necessary items of expenditure for their children. Again, this raises issues about the intrusiveness of the state, issues which we will take up below when we consider the issue of selective versus universal compulsion.

*Is funding enough for the poor, or is there an argument for provision too?*

West's solutions for the families in groups 3 and 4, as we have seen, was to provide state funding for these families to purchase educational opportunities, but not state provision. This, as we discuss below, is because West sees this as a lesser state involvement. But could there be any reasons why provision rather than, or in addition

to, funding might be *necessary* for those in groups 3 and 4?<sup>22</sup> One reason could be if in the areas in which these groups live, there is not an adequate supply of educational institutions offering educational opportunities which satisfy the minimum requirements. Now West feels able to make the assumption that there would be such suppliers in all areas, however poor, from his historical analysis. Moreover, recent empirical evidence of what can accompany an 'opening up' of the educational supply-side in poor inner-city areas does lend some support to West's assumption (see e.g. *Clipboard* No.13, Summer 1992)<sup>23</sup>. However, again it is an empirical assumption that this would be the case, and one which we cannot simply assume here - particularly as we don't know at this stage how demanding the minimum curriculum requirements are going to be. So if it was discovered that, in certain, probably very poor, areas, there would not be an adequate supply of educational opportunities of the required standard, then this would clearly be a case for the state to intervene in provision.

#### *Minimum degree of state involvement*

Finally, we wish to consider the very important issue of whether West's solutions are in fact consistent with finding the *minimum* degree of state involvement in education. At several places it seems questions are raised about this: we consider the issues of inspections, of whether funding is always lesser state intervention than provision, and similarly, whether selective compulsion is always a lesser intervention than universal compulsion.

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<sup>22</sup> This argument might also be applicable to families in group 1 who are too poor to provide *adequate* educational opportunities.

<sup>23</sup> *Clipboard* is the publication of the Center for Educational Innovation, The Manhattan Institute, 52 Vanderbilt Avenue, New York, NY 10017.

## a Inspection

Suppose that the state's minimum curriculum requirements had not ruled out educational opportunities being undertaken in a variety of educational establishments, not just schools, but including the home, the playground, churches, etc. The Inspectorate is then faced with the task of ascertaining whether for individual children this minimum is being reached. Now if a child is going to a school, then it might be a fairly easy task to inspect the school and decide if the minimum requirements were being satisfied there. But if a child is having the educational experiences in a variety of places, it becomes much more difficult to ensure that they are being met; but crucially the inspectorate's job could become much more *intrusive*, which has implications for what we consider to be the minimum degree of state involvement - for domestic inspections are likely to be considered more intrusive than school inspections. Of course, this may well be felt to be a price worth paying - but it would certainly have to come into any calculation of the *size* of the state as mentioned above. It would seem that in order to take this matter further, we would need empirical work on what people in a particular society do feel about such issues, whether they would consider several random inspections in the home and on family outings to be more intrusive than being compelled to provide educational opportunities in a particular, more easily inspected environment. It seems likely that for some people, these family-based inspections would seem more intrusive, in which case they might prefer to use educational opportunities provided by schools and other easily-inspected educational institutions; those who feel the opposite way would presumably opt for family-based inspections. But it seems that this is a contingent matter, which we can't take any further here, but which might turn out to have different implications for the type of

state involvement than that assumed by West.

**b Is funding always a lesser intervention than provision?**

West argues that the minimum degree of involvement needed for groups 3 and 4, i.e. those too poor to provide educational opportunities for their children, would be for the state to provide funding for these children, but not provision<sup>24</sup>. Now, can we be so confident that funding would always be a lesser state intervention than provision?

Consider first the issue of *cost* (one of the three parameters for amount of state involvement) of the state intervention first. It appears to be West's assumption that giving cash or (as we have modified it) vouchers to families would be the cheapest - and hence require less state involvement - than for the state to be involved in provision of educational opportunities itself. But note that state provision doesn't have to imply state funding. So if the state decided that provision was necessary, then it could raise finance privately. Hence state provision of this sort might be found to be cheaper than state funding. Moreover, even if state provision was to imply financing, then it is still plausible that provision with funding could be cheaper than funding alone, through vouchers or cash. For example, if it was decided that the minimum educational requirements could be provided by quickly trained teaching assistants in the home, with small groups of children, say, for a couple of hours a day, and if there was a ready supply of such people unemployed and otherwise taking state benefits, then it might well be the case that it would be cheaper to deploy such people to teaching the poor, rather than provide the poor with vouchers (or money), with which

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<sup>24</sup> We have seen this also applies to our modified groups 1d and 1e.

to buy private, possibly more expensive, services. Or if vouchers or a negative income tax proved to be expensive to administer through the state bureaucracy, perhaps because civil servants' labour was very expensive, then it could be the case that directly funding educational facilitators might be cheaper. The point of these examples is to show that what would be the minimum level of state involvement (in terms of cost) would again be an empirical matter to decide, and West rushes too quickly (as he seems to) in assuming that vouchers or cash would be the cheapest, and hence the lesser state involvement.

In terms of the *size* (with implications for costs, of course) of the state, West offers two other reasons why state *provision* of schools would be less desirable than giving state vouchers or cash to families. Firstly, he suggests that providing schooling will lead to a massive expansion of the service: 'to judge from 19th century experience those who are just above the poverty level will begin to request entry into it and ... the service will very quickly fall into the hands of a majority which does not need it.' (West 1970 p. 203). However, this objection would also seem to be applicable to a voucher system, and brings in well-known issues connected with 'the poverty trap', so would seem to be a reason against state involvement in education in terms of funding *or* provision, rather than an argument just against state *provision*.

West argues also that there also will be other bureaucratic pressures set up within the body administering these educational institutions, which might have harmful effects leading into a massive growth of the size of the government (p. 203). Again, there would need to be some bureaucracy set up to administer the voucher system, and

again, this could be open to similar harmful effects of bureaucracies: so again this would seem to be an argument against state involvement in general, rather than state provision of schooling.

This means that we can't conclude *a priori* from these considerations, what is likely to be the minimum state involvement in education for these groups. It could be simply funding and selective compulsion, as West argues, (together with the curriculum regulations as mentioned before) but it might also be provision instead of, or as well as, funding and regulation, depending on the outcome to the empirical questions raised.

#### **c      selective versus universal compulsion**

Similar questions can be raised about the issues of selective versus universal compulsion. Again West's assumption is that selective compulsion is the lesser requirement in terms of state intervention. But in terms of costs and size of the state first, it seems an open question which of these would be the cheaper and less demanding in terms of policing. With universal compulsion, the policing would need to be brought into force when families in groups 1c, 1e, 2 and 4 offended - which would also be the case if there was selective compulsion. (It could of course be the case that universal compulsion had some effects on those in groups 1a, 1b and 3, perhaps out of perversity, objecting to be compelled to do what they would be doing anyway, so there could be some extra policing costs brought in here). But what about the invasiveness of the state? Again West is clearly assuming that universal compulsion is a greater intervention in terms of intrusiveness than selective

compulsion. But consider the groups who would have provided adequate educational opportunities for their children, who would perhaps be those whom it might be thought would suffer most from the universal compulsion. They might not mind at all that the law now says they *must* provide opportunities, they might be able to totally ignore the law in this respect, even though they are in fact obeying it. Of course the opposite could be true, but we don't know this *a priori*.

Perhaps the greatest worry is that, if there was universal compulsion, there might be some disincentives for families who would otherwise have provided these opportunities for their children to defer their responsibilities to the state, undermining the institution of the family in the process. This is an important philosophical issue which is addressed in chapter 4.

What about the families who wouldn't otherwise have provided adequate educational opportunities for their children: would selective or universal compulsion be the most intrusive? One possible scenario is that, after a few generations of universal compulsion, the compulsion becomes so deeply ingrained in peoples' lives that they accept it as 'the way things are', and hence the law becomes unobtrusive. So if the question simply is not raised about whether to send a child to school, or otherwise provide educational opportunities, then there might be felt to be little intrusion in the lives of these families. On the other hand, if there was selective compulsion, then these families might feel that the state was being much more intrusive: for now these families would see that the state was 'on their backs', differentiating them from neighbouring families who were more responsible. Again, we can say that a final

answer to these questions would require empirical research, and cannot be pursued further here.

This brings us to the end of our discussion of West's model, and the implications of his assumptions. We now summarise our conclusions and lay out the agenda for the thesis.



### 1.7 Summary and conclusions

Having examined West's 'market model', we can now say that, as it stands, West's model *isn't* entirely coherent, in that his conclusions do not follow from his assumptions. Or at least we cannot say that they do without further examination of some crucial issues. So we have various outcomes which are compatible with West's model. One possible outcome would be that offered by West (with the important modifications of a reclassification of his largest group of families, group 1, and the 'voucher' solution for *all* the poor, not simply the 'irresponsible' poor). That is, consistent with his model and assumptions, the minimum state involvement requires funding for those who are too poor to provide adequate educational opportunities, funding and selective compulsion for those who are poor and irresponsible, and selective compulsion for those who are just irresponsible. But at the other extreme, also consistent with West's model *and the discussion so far* would be the following outcome: a national curriculum (since it is conceivable that the Inspectorate could find national deficiencies, or that the minimum adequate education would need to be nationally imposed); universal compulsion (if this was decided to be less intrusive than selective compulsion); educational opportunities confined largely to schools (if it was decided that the concomitant inspections would be less intrusive than home-inspections); universal funding (if it was decided that means-testing was too great an intrusion on peoples' privacy, and charity assessments were ineffective); universal educational provision (if it was found that vouchers were too expensive to administer, or if there were national areas of weakness which could not be met privately). Note I am only saying that the above discussion has not ruled out this particular combination, not that it is implied by the discussion. And of course, most positions

in between these two extremes would also be possible under West's assumptions. In other words, without further work, we cannot say that West's minimal model is in fact the one implied by his four assumptions.

Now, many of these issues are empirical, and many have been addressed by West in later work. However, in my position *qua* philosopher, I am not able to adjudicate in these debates, only to point out as above inconsistencies within West's own argument. However, as we have noted, there are important philosophical issues raised. Firstly, we are interested in pursuing the philosophical question of whether a 'minimum adequate education' would satisfy those who seek equality of educational opportunity - an issue examined by West. On the face of it, it would seem unlikely that it would satisfy them, for just because everyone has an adequate education does not mean that provision would not be unequal. This issue is taken up in the next chapter, chapter 2. Secondly, there is the crucial issue of the *curriculum* of West's 'minimum adequate education', in terms of both the content of this, and the issue of who should decide this content. Now contemporary discussions of a core, or minimum curriculum for all are often predicated on the notions of what purposes the curriculum must serve. West himself mentions education for democracy, education for law and order, and education for economic growth as being important functions which education is supposed to serve, and which hence might be expected to have implications for his curriculum. We will explore the first of these in detail in chapter 3, and make some brief comments concerning the others in chapter 4. A related notion of education for autonomy, which West does not consider, is discussed in chapter 4. Indeed, a relevant criticism of West's model could well be that it is the responsibility of the state to

promote the autonomy of its citizens, and that all citizens will fail to obtain their 'education for autonomy' in West's market model. In that chapter we will also be able to explore the important philosophical issue raised earlier of whether state compulsion could lead to the undermining of other important institutions in society, in particular, the family.

Moreover, as we have noted, another issue raised by the curriculum, and ignored by West, is that of who should decide on its content - this issue will be taken up in chapter 5, where an argument for democratic control of the curriculum, and hence against leaving this to markets, will be examined.

Finally, it is observed that most of West's discussion of objections to his model is in terms of the 'externalities' or 'neighbourhood effects' of education. We note that there has been recent philosophical discussion of this issue, focused on whether education is a 'public good', and the implications this has for the role of the state. This discussion is addressed in chapter 6.

West's model, then, will be used in this thesis as a springboard to discuss the contemporary philosophical debate about the role of markets in educational provision. We will examine whether this discussion can resolve any of the indeterminacy which has been the outcome of this preliminary discussion of West's position, and whether we are able to arrive at any more substantial conclusions about the role of the state in education.

## ***Chapter 2: Equality of Opportunity and West's 'Market Model'***

### ***2.1 Introduction***

The first philosophical issue raised by our examination of West's market model concerns equality of opportunity. Now, in chapter 1, we argued that West conceded the need for a state-enforced 'minimum adequate education for all'. Given that West has examined 'equality of opportunity' in *Education and the State*, and that he believes he has taken into account this, and other, objections when proposing his model (West 1970 p. 199), then we assume that he believes either his model will satisfy demands for equality of opportunity, or that these demands were incoherent or not relevant. This chapter reviews his arguments to see which of these conclusions is plausible. We outline West's own discussion of equality of opportunity, then examine his market model in the light of the discussions of three relevant philosophers, Bernard Williams, John Rawls, and Ronald Dworkin - chosen as representing an important line of recent liberal thinking on issues concerning equality. So, of concern throughout this chapter is whether West's market model is compatible with the arguments of these philosophers.

How are these theories likely to produce difficulties for West's model? West posited a 'minimum adequate education for all' regulated by the state; but it is neutral as regards any other inequalities: inequalities are irrelevant to his model, as long as all have the opportunity to achieve this minimum education. But *prima facie* this seems to go against our intuitions concerning equality of opportunity: equality means being

equal in some literal or mathematical sense. But educational opportunities will not be equal in this sense within West's model, so it would seem that it would not satisfy what is desired from equality of opportunity.

These intuitions about markets and equality are reflected in the current debate about markets in education. For example, Ball criticises moves towards markets, noting that 'inequality is not only inevitable but *necessary* in the market in order to provide differential rewards which will stimulate competition and produce incentives.' (Ball 1990a pp. 2-3). Levitas bemoans that market provision 'would, *of course*, lead to far greater inequalities of opportunities within the education system.' (Levitas 1986 p. 84 emphasis added). Ranson notes that '[u]nder the guise of neutrality, the institution of the market actively confirms and reinforces the pre-existing social order of wealth and privilege.' (Ranson 1990 p. 15). Jonathan argues that, if educational provision is left to the market, there will be 'a further twist to the spiral of cumulative advantage and disadvantage which results when the state is rolled back to enable "free and fair" competition between individuals or groups who have quite different starting points in the social race.' (Jonathan 1989 p. 323).

So the issue of equality of opportunity is of concern in the current debate, and likely to be used as a powerful argument against West's model. We turn now to West's own discussion of equality of opportunity.



## 2.2 *West on Equality of Opportunity*

West thinks that 'equality of opportunity' is 'as elusive a philosophical idea as it is a practical target.' (West 1970 p. 50). He considers both philosophical and practical problems, which we shall turn to below. But first, West attempts something of a definition of equality of opportunity. He notes that it is felt to be a problem that a child from a wealthy family has greater educational opportunities than one from a poorer family; this leads to the demand for 'some artificial governmental machinery to see to it that the children of the poor do not get such relatively unfavourable treatment compared with the others. We have to organise their lives in a similar way to organising a race in which each competitor starts level at the starting line.' (pp. 52-3). Equality of opportunity, according to West, says that the children of the poor must not get unfavourable treatment compared with others (p. 51). This would seem to be a reasonable first attempt at defining what might be meant by equality of opportunity - although we will want to refine it later. Now he thinks that even this notion is very difficult to sustain. First we turn to the practical problems raised<sup>1</sup>.

West thinks there will be practical problems with deciding which environmental factors will hinder children's education. He points out that poorer families may actually be offering their children greater educational opportunities than richer

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<sup>1</sup> In his argument he uses the technique of first supposing that children do not differ in innate ability (p. 53), seeing what follows from that, then returning to assume that they do. His main point in using the technique is to show that 'where there is inequality of potential (ability) there is bound to be inequality of result' (p. 58). This seems rather obvious and it would only be an issue if we were sure that equality of opportunity must lead to equality of results, which he does not conclude and which we do not assume here.

families, if the former spend more leisure time with them reading, etc. (p. 53 footnote 1). Thus it may be independent of wealth whether a child benefits from an educational environment. He asks 'on what basis do we sort out those children who have not had the extra educational stimulus incidental to richer middle-class homes? More difficult still, how do we detect those homes, whatever their social class, which give better educational environments than others?' (p. 53). This cannot be a valid objection for West: for in his 'market model' he pointed to the desirability of an inspectorate which *could* discover these sorts of educational opportunities in the home, etc. (This was implied by his broad definition of education to cover opportunities found elsewhere than in schools). So this practical problem, *ex hypothesis*, is not significant for our purposes here.

A second practical problem is that the demand for 'equality of opportunity' is likely to be related to a demand for equality in the distribution of income, (p. 55), and that a system of heavily progressive taxation, would perhaps undermine the incentive to work hard, and hence undermine economic growth (p. 55). This leads him to argue that there will be a general acceptance of inequality in wealth: 'income differences have to be expected if only as a necessary expedient in an imperfect world.' (p. 55). Given this then it seems odd to him that we should then strive to ensure that inequalities of wealth do not prejudice educational chances: 'we are in danger of contradicting ourselves if, having allowed some people the freedom to earn more than others, we are at the same time striving for the day when most rich men's sons are forced to school with children of the not-so-rich according to some system of conscription.' (p. 55). Why are we in danger of contradiction here? His argument

seems to be that: the demand for equality of opportunity implies, or is at least related to, the demand for equality in the distribution of income. But the latter has negative effects and would not be sought; hence we should not seek equality of opportunity either.

However, this argument fails because, it could be that what is sought is not equal incomes, but *less inequality* of income, and that the level of progressive taxation needed for that could be compatible with some, even quite good, economic growth. So the argument he has constructed is a 'straw man', and he has not challenged the demand for less inequality of wealth, hence cannot conclude that more equality of opportunity is undesirable.

Next we turn to the philosophical arguments. West indicates two relevant areas of philosophical concern. First he asks: 'Is [equality of opportunity] demanded because it is a thing of justice, something that is an inalienable right of each child?' (p. 53). In which case, he suggests the full logic of this position is that equality of opportunity will have to spread further than national boundaries, and that if we accept it we should be prepared to give equality of opportunity to, for example, 'Chinese children', 'immigrant West Indians... from an illiterate plantation background', and 'children who are ... handicapped by ... physical misfortunes' (p. 54). He doesn't say anything more on this matter, but does of course raise issues which are crucial to our philosophical discussion here. We shall explore Rawls' theory below which explicitly links equality of opportunity to considerations of justice, to see if West's questions can have an answer.



The second philosophical issue raised, again in passing, is that the demand for equality of opportunity is likely to lead to conflict with the demand for liberty, for example, if 'rich people' are not allowed to buy 'extra education' for their children (p. 57 and p. 69). Again, this is an issue to which we turn below, when discussing Rawls, where we shall see that this conflict is easily conceded and resolved.

Thus West has raised issues which are of importance, but has not successfully addressed them. In order to pursue this further, we now explore philosophical arguments by those in favour of equality of opportunity, asking to what extent these arguments are compatible with West's 'minimum adequate education for all'.

### 2.3 *Williams on Equality of Opportunity*

Williams discusses equality of opportunity and relates it to educational provision in his seminal paper 'The Idea of Equality' (1962). Here, we consider four issues. Firstly, we consider the context of Williams' discussion and outline his definition; secondly, after exploring the coherence of Williams' definition, we modify it slightly; thirdly, we outline an implication of Williams' ideas for the family, and suggest how West's notion of 'an adequate minimum education for all' could provide a suitable way around the problem encountered; finally, we show how West's model seems to satisfy William's definition of equality of opportunity, except for one difficulty, that of 'positional goods'.

#### *Context and Definition*

Firstly Williams notes that discussion of equality of opportunity is explicitly designed to cater for the assumption that human beings are not equal (Williams 1962 p. 120), and 'the question arises of the distribution of, or access to, certain goods to which their inequalities are relevant.' (p. 120). He defines equality of opportunity in the following way: 'a system of allocation will fall short of equality of opportunity if the allocation of the good in question in fact works out unequally or disproportionately between different sections of society, if the unsuccessful sections are under a disadvantage which could be removed by further reform or social action.' (p. 127).

Equality of opportunity is thus the opportunity for '*everyone in society*' (p. 124) to secure the goods in question. Importantly for the discussion here, Williams distinguishes three types of goods in this respect: firstly, those goods that are either

desired by everyone, or large numbers of people for themselves or their children, or would be so desired if they knew about them; secondly, those goods which people 'earn or achieve' (p. 124); thirdly, those scarce goods which are either by their nature limited (e.g. positions at the top of the hierarchy in an hierarchical society), or are contingently limited, that is which have no intrinsic limit but certain qualifications of access are required for entry, or those which are fortuitously limited, that is there are not enough of them to go around (pp. 124-5)<sup>2</sup>. For the purposes of our critique, we consider how education fits into each of these categories. It might be thought that in the first category would come West's 'minimum adequate education', something which would be desired by large numbers of people for their children, or would be so desired if they thought it was attainable. But then what of the second category, goods 'which people may be said to earn or achieve'? (p. 124). West's education might be thought to fit into that category too, because education always must be *achieved*, it can never be simply received<sup>3</sup>. So it seems the distinction between these two categories in terms of education is not very useful. What seems crucial to Williams' argument is that they are distinguished from the *third* category, that is, those goods which are limited. But on further examination, it would seem that *all* educational goods also would fit into this category! While no educational good 'by its very

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<sup>2</sup> It is not entirely clear whether Williams wants equality of opportunity to refer *only* to these 'limited' goods, his third category: for he writes 'the notion of equality of opportunity might be said to be the notion that a *limited* good shall in fact be allocated on grounds which do not *a priori* exclude any section ...' (p. 125 emphasis added). But in his later definition he doesn't mention that it is only limited goods which are the subject of equality of opportunity. We assume his later definition and that the quoted passage was just considering limited goods as an example, not defining equality of opportunity only in terms of them.

<sup>3</sup> See Wilson (1991) p. 28.

nature', seems to be limited, Williams' first subdivision, all educational goods would seem to fit into the 'contingently' or 'fortuitously' limited category. This is the case whether we are speaking in terms of educational goods as being access to educational institutions, or access to the learning experience itself. For example, even basic numeracy or literacy seems to fit into the category of a good to which 'there are certain conditions of access ... which in fact not everyone satisfies, but there is no intrinsic limit to the numbers who might gain access to it by satisfying the conditions' (p. 124). For to achieve basic numeracy one needs certain intellectual and motivational qualities which it is clear that not everyone satisfies: the congenitally mentally handicapped are one group, for example. Suppose we exclude such people, (treating them as reasonable exceptions to the general rule) and concentrate our attention on people without congenital handicaps, or similar problems. Then we might be able to say that there are some levels of educational attainment which *all* can achieve.

The problem then is that we don't know where to set this level of attainment, that is what level of education is in Williams' first and second groups, and what level in his third. If we were to set it as a result of empirical surveys, then we might be tempted to set it at a very low level indeed, because we would discover large proportions of the population who were illiterate and innumerate. But this would be to make an unwarranted assumption that, given different environmental circumstances, these people could not have achieved much more. But at present it doesn't seem that there is an uncontroversial body of theory which says that a certain level of educational level of attainment is achievable by all, (and hence in Williams' first and/or second category) or contingently limited (hence in his third). This could have repercussions

for West's minimum adequate education, and for the definition of equality of opportunity, which we will consider below<sup>4</sup>.

Using his definition of equality of opportunity, Williams notes, as an example, that the old selective education system in England & Wales could not be considered a system of equality of opportunity: 'It is a known fact that the system of selection for grammar schools by the '11+' examination favours children in direct proportion to their social class. We have every reason to suppose that these results are the product, in good part, of environmental factors; and we further know that imaginative social reform, both of the primary educational system and of living conditions, would favourably effect those environmental factors. In these circumstances, this system of educational selection falls short of equality of opportunity.' (p. 127).

Having outlined Williams' definition, and shown how education fits into the categories of goods which Williams is describing, let us now turn to a critique of his definition.

#### *Williams' definition: a critique*

It seems Williams' definition misses out two situations where we might want to say equality of opportunity has been violated, but which under the definition would not seem to be included; there is a third situation which others have objected to, although it is not clear whether Williams would too. Firstly, suppose you are a child of middle-

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<sup>4</sup> We note that the fortuitously limited category *could* apply to educational goods in any category. Indeed - a thought which we will not take further - it could be a definition of equality of educational opportunity that educational goods (of whatever type) should not be fortuitously limited.

class<sup>5</sup> parents, but your parents don't actually give you the educational opportunities common to other middle-class families; for example, they don't buy you books for presents, don't take you to the theatre or galleries, and make no attempt to place you in a good school, nor supervise your homework from school, and so on. Surely you too could be said to be a victim of inequality of opportunity? But under Williams' definition, you apparently would not be, because it focuses only on 'sections'<sup>6</sup> of society, rather than individuals. So I propose one modification to Williams' definition to modify 'sections' to 'individuals'. But doing this then immediately calls for a further modification: in his definition, Williams revised claim would now be that there is inequality of opportunity 'if the unsuccessful individuals are under a disadvantage which could be removed *by further reform or social action*.' (p. 127, emphasis added). Here I assume by reform he means legal reform, and by social action he means action organised by groups of individuals, not necessarily from outside of the group concerned (so the 'social action' which could lead to a disadvantaged group improving its position could be self-help from within the group itself). But in our example of the individual in a particular family, clearly any one individual in the family could decide to improve its condition itself unilaterally, for example, by stopping drinking or gambling less, so that there is money for educational opportunities, or time at home to supervise homework, etc. It seems this sort of self-help has been neglected and should also be included in the possibilities for improvement.

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<sup>5</sup> I am avoiding defining this, assuming that it could be done in terms of variables such as occupation, income and educational background of parents.

<sup>6</sup> Again, Williams has not defined this, but I am assuming he means, clear from the context of his example, social class.

Secondly, Williams' revised definition is that there is inequality of opportunity 'if the unsuccessful individuals are under a disadvantage which *could* be removed ...' (p. 127, emphasis added). But suppose that after a great many attempts at legal reform, social action and self-help, it was shown that some educationally disadvantaged group's position had not been improved. For example, it could be that legal reform on behalf of an underclass, for example, was always high-jacked by the middle or working classes for their own benefit, and social action on behalf of any group failed because the underclass would not organise themselves as a group, nor respond to efforts from outside, nor were they sufficiently motivated for self-help. We surely would want to say that there was still inequality of opportunity in this situation, even though by Williams' definition it would not fit. So I propose also to take this into account: My final suggestion is thus that, in the spirit of what Williams seems to have intended, a definition of equality of opportunity would be as follows: 'a system of allocation will fall short of equality of opportunity if the allocation of the good in question in fact works out unequally between different *individuals*, if the unsuccessful *individuals* are under a disadvantage which could *in principle* be removed by further reform, social action *or individual endeavour*'.

Thirdly, we noted that there is some level of educational achievement which is open to all (excluding some exceptional cases) and above that level only those who have particular abilities or qualities can attain them, that is, above a certain level, education becomes a contingently limited good. Now suppose the 'minimum adequate' level of education is set above this level. Does it make any sense to say that everyone has equality of opportunity to achieve this level? By Williams' definition it seems we

would say yes, for there is nothing to rule it out. However, Wilson would object to this. He argues that it makes no sense to say that we have equality of opportunity to do something unless we 'logically can learn X, and ... have the power or ability to learn X' (Wilson 1991 p. 29). Burwood, in reply to Wilson, seems to concur with this part of his discussion at least: 'If I have a broken leg, it follows that I cannot be said to have the opportunity to walk up Snowdon because I do not have the ability' (Burwood 1992 p. 257).

Does this affect our discussion, and Williams' definition? Supposing we had established what curriculum would satisfy West's 'minimum adequate education'. Then this difficulty would arise if we knew with a high probability that the level of this curriculum had been set at too high a level, so that it was, in effect, in Williams' category of a contingently limited good. But given the present state of theory and empirical evidence in the human sciences, it seems highly unlikely that we would be able to make such an assertion. In our ignorance, then, it would seem that this particular criticism of Wilson is not of relevance to the discussion. If our theory and empirical evidence became more advanced, we might well want to consider whether it makes any sense to have equality of opportunity for something that not everyone can achieve. Indeed, such evidence would probably be weighed in the balance when deciding what the minimum adequate educational level should be. At present we don't know what everyone is capable of, so reserve judgement on the issue.

#### *Equality of opportunity, the family and West's market model*

So let us stay with the revised definition of equality of opportunity above, and explore



how West's model can relate to this. One way of exploring this is to consider one implication of Williams' definition, taken up by John Rawls, to show how West's model might point to a solution to the difficulty which Williams himself avoids confronting. For as Rawls has explicitly pointed out, one implication of Williams' position is that his equality of opportunity, because it 'requires us to view persons independently from the influences of their social position' (Rawls 1972 p. 511), makes us aware how 'the family will lead to unequal chances between individuals'. So, Rawls asks, should the family be abolished?<sup>7</sup> Interestingly, Williams notes a related possibility in passing, when he says that 'the individuals whose opportunities are to be equal should be abstracted from ... social and family background.' (Williams 1962 p. 128). But then he moves much further away into an abstruse fantasy world of genetic engineering. However, his remarks in that context must presumably be taken also to apply to the more mundane position of abolishing, or alleviating the affects of the family: for he says that the objections for doing so must be moral ones, (p. 128), which are outside of the scope of his enquiry. Here presumably he means considerations of other values, such as liberty in particular, hence confirming what West suggested was important about equality, that it could be one value amongst several worth striving for, but not necessarily the most important at all times (West 1970 pp. 57 and 69).

However, what is interesting here, is that it seems that West's market model may provide another, perhaps preferable, way around the problem of what to do about the family in the context of equality of opportunity. For West's 'adequate minimum

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<sup>7</sup> We will consider Rawls' way out of this position in the next section.

education for all' would seem to provide a way in which the influence of the family could be mitigated, without undermining its primacy. For if the state ensured that all families did enable their children to receive this minimum adequate education, then it seems that equality of opportunity could be accommodated, *provided that*, of course, West's notions were found to be compatible with Williams' notion of equality of opportunity, and also that the state regulation in this way did not undermine the family too much. We turn to this first issue now; the second issue will reemerge in chapter 4.

*West's minimum adequate education and Williams' equality of opportunity*

Now, *prima facie*, it would seem that there would be no problems with the 'minimum adequate education' satisfying Williams' notion of equality of opportunity. We can say that, if what is considered to be desirable from education is the ability to pass, say, the 11+ examination, then this could be the criterion for the 'adequate minimum education for all'. As long as the inspectorate were ensuring that this minimum standard was being provided by the combination of all educational settings which a child was experiencing, West's market model could be said to have passed the test of equality of opportunity. There is equality of opportunity to obtain the 'minimum adequate education'. Importantly, it would not be an objection to equality of opportunity that educational opportunities were unequal in any other respect. This is illustrated with reference to an example of Williams' concerning health. He objects to a difference in the treatment of the 'rich ill and the poor ill' (Williams 1962 p. 122), because the 'proper ground of distribution of medical care is ill health' and so those whose needs are the same should receive the same treatment. But is it really the

*inequality* of treatment that is of concern to Williams? Surely it wouldn't make any difference on the grounds Williams has given us if the richer person was treated in plush surroundings, with many luxuries, by very eminent highly paid consultants, while the poorer person was treated in a large ward, without any luxuries, by less eminent and hence cheaper medical practitioners, *provided that both treatments were adequate*.

Is this obscuring the issue by bringing in irrelevant dimensions? What Williams could be arguing is that what is relevant is the medical treatment itself, not these peripheral parts. But again, why would it matter if the medical team treating the rich person gave a superior service, as long as both treatments were *adequate*? It seems that Williams couldn't object to the difference in their treatment, at least not from the principles he has stated here. So what, I suggest, Williams is actually concerned with is that the irrational situation is where 'those whose needs are the same not receiving *adequate* treatment.' The notion of 'equal treatment' is a luxury not afforded by his argument.

Similarly, at first it would seem as though we could translate this example and discussion *mutatis mutandis* into an educational context. Williams objection to the 11+ system which he describes is not that the poorer person's education is not equal to the richer person's, but that it is *not adequate* to pass the 11+. For exactly parallel discussion to that above could point out the differences between two schools, but at the same time agree that both were adequate to pass the required exam. For example, the schooling of Smith (Williams' richer child) could take place in a plush old manor

in the home counties, with a richly carpeted library, and small classes with well-paid Oxbridge graduates. The school of Jones (the poorer child) could be in an inner city compound, with a carpetless library, and larger classes taken by education graduates from one of the new Universities. But the only objection in Williams' terms to the latter would be if it wasn't adequately preparing children for the 11+. The fact that the educational resources were unequal would be irrelevant.

However, the situation isn't quite as straightforward as that. Difficulties begin to emerge when we start to consider Williams' third type of good, the *limited* goods. Consider our graduates from various of West's market educational settings and establishments. They all have had the opportunity at least to obtain their 'minimum adequate education'<sup>8</sup>. Now when these graduates apply for work or further educational opportunities in jobs or educational establishments where there is no competition, that is, for those goods that are not intrinsically or fortuitously limited, then there is no problem. All can get that which they seek, so equality of opportunity prevails<sup>9</sup>. But what happens when they apply for positions which *are* intrinsically or fortuitously limited? Consider two applicants, you and I, both of whom have had an adequate education, but competing for this sort of limited good: both of us can't get the post. In this situation, it might well be that we have not equality of opportunity to obtain that position: it may be the case, say, that you will get the position just

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<sup>8</sup> Note that we can define our 'minimum adequate education' broadly enough to ensure that it does cover such qualities as motivation, perseverance, and so on, so that it couldn't be objected that people didn't have these kinds of opportunities.

<sup>9</sup> With the small caveat noted above that reserves judgement on this issue if it should be proven that some individuals were not capable of achieving the minimum level.

because you went to the *better* school from which people are normally drawn for that post, even though mine gave an adequate education. It will be inequality of opportunity in Williams' definition, because of course, my educational situation could in theory have been improved to the level of your's. This is the familiar 'positional goods' problem, which does then seem to bring in a problem of compatibility between West's market model and Williams' definition of equality of opportunity. We need to explore this issue, to see if it does present a serious problem for West's model.

### *Education as a positional good*

The positional goods problem is that 'advance in society is possible only by moving to a higher plane among one's fellows ... what each of us can achieve, all cannot' (Hirsch 1977 pp. 4-5). Or as Miliband puts it: 'improved... performance by one person makes a "loser" of someone else' (Miliband 1991 p. 10). Now of course, the 'winners' and 'losers' aspect of this competition can be over-emphasised. For a loser can become a winner later on: most famously, the failed bus conductor becomes prime minister. But the problem of positional goods is that there still seems a *prima facie* element of unfairness to the whole thing. More to the point here, it does seem that, because of the competition for these particular sorts of positional goods, West's market model would fail equality of opportunity, as defined by Williams. Is this enough to damn it? If we thought so, then we would be in danger of following the Roman emperor who, in a contest between two singers heard the first, didn't like his song, so awarded the prize to the second (Tullock 1976 p. 10). Surely, if we are interested in assessing market models relative to other alternatives then we are interested in seeing if these alternatives could fare any better, including in this aspect

of equality of opportunity. So, are there theoretical or empirical perspectives which will enable us to think that West's market model, rather than more extensive state intervention, would make the problem of positionality worse? So suppose the model was as he wanted it to be, with state involvement in regulating the minimum standards, (with allowance for regulation of the curriculum) and state funding of those too poor to provide for themselves. Could a system with more state funding, regulation and provision be better placed to deal with this problem than the market model? In what follows we will make some brief comments about what is a very important issue, in the hope of showing that the issue of positional goods does not present a knock-down argument against markets in education as some have supposed.

Firstly, the two recent arguments relating education, markets and positional goods, from Jonathan (1990) and Miliband (1991) have not been convincing. Jonathan argues that when children face 'intensified competition', parents, as a 'category of individuals', have their children's welfare threatened by the actions of others: 'the outcome [from education] has currency only in relation to the outcomes of individuals across that society' (Jonathan 1990 p. 122). That is, Jonathan wants to make the case that this positional nature of education means that individual decisions will have 'damaging consequences *in general* for the society which [the education system] serves' (p. 123 emphasis added). She doesn't argue this in detail, but simply notes that: 'In a game structured like a prisoner's dilemma, trustees, [ie parents] far from having free choices, have no responsible option but to make individualistic, competitive moves even though these must entail a worse outcome for some of the young - and may arguably entail a worse outcome for all of them - than would have

resulted from a less competitive framework for decision.’ (p. 124). Elsewhere I have argued that the latter accusation - that there would be ‘a worse outcome for all’ - cannot be shown using the prisoner’s dilemma as Jonathan suggests (Tooley 1992a pp. 123-5). But of course the issue of concern to us here is whether or not positional competition in markets leads to greater unfairness to particular individuals, an issue which Jonathan does not address. Similarly, although Miliband accepted the opposite position to Jonathan - that any dangers of markets in this respect cannot be shown ‘by resort to the famous ‘prisoner’s dilemma’’ (Miliband 1991 p. 10), and indeed, that positional competition can lead to a raising of overall standards (p. 10), again he does not address the issue with which we are concerned. So could there be an argument constructed to show that markets in education (along the lines of West’s market model) would be worse for positionality than greater state intervention?

In order for such an argument to succeed, it would have to overcome the perspective of Gray who argues that it is precisely greater *state* intervention, rather than markets, which will exacerbate the problem of positional goods. He argues that ‘[t]here is much to support the conjecture that the positionality of many of the goods that Hirsch mentions derives from the politicized and collectivist mode of their provision, so that their positionality would be increased, not diminished, by any further move to collectivism of the sort that Hirsch commends.’ (Gray 1983 p. 176). He gives example of experiences from the 20th century, which Hirsch ‘inexplicably’ ignores, showing that ‘it is in socialist orders that goods such as education, housing, and access to favoured occupations acquire a degree of positionality beyond any possessed in societies containing a powerful market sector.’ (p. 176).

Now Gray's argument is both empirical and theoretical; but we do not need to examine the details; for we can conduct a simple thought-experiment to show that *any imaginable* state intervention would come up against the problem of positionality; hence this is not a problem unique to West's market model:

We assume that the state is involved in education a much greater way than that envisaged by West. Let us also assume that this state system, as with West's, ensures an adequate minimum education for all. Finally, let us assume that the state can actively intervene to eliminate those fortuitously limited goods, so that the problem of positionality remains at its starkest with the allocation of contingently limited goods. Now we could have the situation where there is a two-tier system, of private schools as well as the state schools. If this was permitted, then even if the state school system provided a uniform education, these private schools would be free to offer much more diversity of standards, and it is likely that elite schools would emerge under that system. So the problem of positionality would be present there, and it is not clear that West's market model would be any worse<sup>10</sup>.

Now, this could be combatted by either banning private schools, or by putting ceilings on what these private schools would achieve - all of which would have repercussions for liberty, which might not be considered desirable. But most crucially, it would

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<sup>10</sup> Indeed, it is possible, depending on the type of intervention that existed, that the system proposed would be far worse, because it is likely only the much wealthier will be able to afford these better schools, on top of their taxes for state schools; in a private-only system, no-one is paying much taxation for education, and hence less wealthy people would have more disposable income and could perhaps also afford to send children to the more expensive schools.



seem that doing so *would not solve the problem of positionality*. For suppose a second situation, where we have only state schools (with parallel arguments for the case where 'ceilings' are placed on private schools). Suppose first that some schools within this system are 'better' than others - not necessarily because of a state decision to be like that, but in the absence of a decision which rules it out - where 'better' means producing graduates who are more able to satisfy selectors allocating contingently limited goods. We don't even have to assume that these schools have more resources devoted too them - which would be a fairly easy area in which the state could move to equalise: the schools could simply have more motivated staff, more able leaders, more motivated children, more connections with the élite world, or any number of similar factors which make the school 'better' in the sense defined. Clearly the problem of positionality remains, however children are selected or allocated to these schools. If the allocation was at random, then this still might seem unfair if those children who have more talent or motivation are denied a place at the better schools; if it was selection through geographical location, then this is likely to favour those of a certain, probably wealthy class; if selection through academic or other achievement, or motivation discovered through personality tests, then it could still be argued that all of these qualities had been unfairly influenced by earlier environmental factors. It does not seem as though the problem of positionality is solved as long as it is accepted that some schools are going to be better than others.

What about the case where we could assume that the state ensured (by some mechanism - which might of course be impossible to achieve) that all schools were comprehensively the same, with none recognised to be 'better' than others. But, as

long as there are still contingently limited goods to allocate, the problem of positionality still will not go away. For if all schools are uniform, then this raises the importance of the family (or any other child-raising voluntary institution outside the control of the state). If schools were equal, and there was still competition for positional goods, then to some families it would matter very much to provide their children with extra educational opportunities outside of schooling. Children of these families would presumably have the edge when applying for positional goods.

Again, the state could, at least in theory, intervene to equalise educational opportunities in a more general way, so that there was educational compensation for those who were from less privileged backgrounds. But again, as long as there remain valued positional goods, and as long as it is possible to contribute more educational opportunities, then some families still would see it as their role to give *still more* educational opportunities to their children. Of course, the state could intervene here too, and forbid this sort of activity. And that takes us to the limit of this thought experiment, into the arguments that Williams avoids, but which, as West noted, bring in issues of liberty, and which Rawls suggested would lead to the abolition of the family as we know it. What this thought experiment is supposed to illustrate is that, as long as the family (or other child-raising voluntary institution outside the control of the state) remains, positionality will remain a problem. Whatever degree of state intervention is proposed in education, provided it falls short of abolition or similar interference in the family, will not prevent the problem of positionality. So West's market model does not uniquely suffer from this problem.

Thus, (i) the arguments presented in the recent debate about the problem of positionality do not give a convincing argument against markets and for greater state intervention; (ii) there are empirical and theoretical arguments which give the opposing view, which we would need to explore for a more thorough view on the issue; and (iii) the problem of positional goods would seem to remain a problem even in an imaginary world of greater state intervention providing equal educational experiences, as long as the family (or any other voluntary child-rearing institution outside of the control of the state) remains.

As far as this discussion goes, we will not take this issue any further: we do not have to contemplate the abolition of the family, because, recall, we are going along with West's assumptions, and one of these concerns an important role for the family. Moreover, Williams has raised the issue of conflicting values, in particular of liberty, and we shall see in a moment that Rawls would balk at overriding individual liberty in the way necessary to avoid the problem of positionality<sup>11</sup>.

*Conclusion: Williams, West and a minimum adequate education*

We have explored Williams' definition and justification of equality of opportunity, and with some small caveats, noted that West's market model incorporating the 'minimum adequate education for all' satisfies Williams' arguments. The most important caveat concerned positional goods: however, West's model was shown to suffer from this

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<sup>11</sup> As some consolation, perhaps it must be added that unequal opportunity for positional goods is not necessarily a bad thing for those who experience it. An incentive to compete even harder can come from seeing what a disadvantage one has had, and fighting not to let that come in the way of one's achievement.

problem only as any other more extensive state intervention system would suffer. Hence we can conclude that West's model has satisfied, as much as is possible, Williams' equality of opportunity.

But does Williams' argument capture what is important about equality of opportunity? Does later, more sophisticated, work add crucial elements which Williams overlooked, and which could not be satisfied by West's market model? We turn now to Rawls to see how West's model would fare under his scrutiny.

#### 2.4 *Rawls on Equality of Opportunity*

Rawls' *A Theory of Justice* is one of the most influential works in moral and political philosophy in the latter half of this century. For our purposes, Rawls' work is important for it addresses in detail the notion of equality of opportunity, developing Williams' argument. In this section we explore whether West's 'minimum adequate education for all' can also satisfy Rawls' discussion<sup>12</sup>. In order to do this, we will first set out where equality of opportunity fits into Rawls' scheme. Secondly, we explore Rawls' definition of equality of opportunity and relate this to Williams' definition. Thirdly, we explore Rawls' way around the perceived 'problem' of the influence of the family, showing how the principle of equality of opportunity is tempered by other principles within his overall theory of justice. Fourthly, we note how Rawls' solution is very similar to West's 'minimum adequate education for all', with the crucial difference that Rawls' solution is constrained by his 'difference principle'; this is not compatible with what West intended at all, and hence presents an area where we could find objections to West's model. However, fifthly, we note some difficulties with Rawls' 'difference principle', ask what his arguments for it are, and note some difficulties with these arguments. This brings us to, sixthly, ask what it was Rawls sought from the difference principle, and we suggest that it is for a society with a 'safety-net', a minimum standard below which no-one is allowed to fall. Finally, we relate this to West's argument for a 'minimum adequate education for

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<sup>12</sup> Note this section does *not* attempt a thorough explication or critique of Rawls' theory of justice. It focuses on this narrow question of whether Rawls' conception of equality of opportunity is compatible with West's 'minimum adequate education for all'.

all'<sup>13</sup>.

*Equality of Opportunity and Rawls' Principles of Justice*

Rawls' social contract argument, as is well-known, uses the tools of the 'veil of ignorance' and the 'original position'. In this original position, individuals, stripped of the positions in which they would find themselves in society, are able to rationally decide the principles which, if operating, would ensure a fair society (Rawls 1972 p. 17). Thus 'we have to ascertain which principles it would be rational to adopt given the contractual situation. This connects the theory of justice with the theory of rational choice.' (p. 17). What these individuals from behind the veil of ignorance come up with are two principles of justice, together with a number of caveats. The second of these principles - the 'difference' principle - concerns equality of opportunity:

'Social and economic inequalities are to be arranged so that they are both:

- (a) to the greatest benefit of the least advantaged ... and
- (b) attached to offices and positions open to all under conditions of fair equality of opportunity.' (p. 302).

There are two important caveats to Rawls' principles. Firstly, that if any inequalities of opportunity are to be permitted, then 'an inequality of opportunity must enhance the opportunities of those with the lesser opportunity.' (p. 303). Secondly, there is the

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<sup>13</sup> Recall that we haven't yet discussed what the content of the minimum adequate curriculum could be - we shall be exploring these issues in later chapters.

'general conception' that: 'All social primary goods - liberty and opportunity, income and wealth, and the bases of self-respect - are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored.' (p. 303).

We will return to these principles and these caveats below. But first let us be clear exactly what Rawls means by 'fair equality of opportunity', and how this relates to Williams' notion.

*Rawls' definition of 'fair equality of opportunity'*

Rawls definition is contrasted to the classical liberal notion of 'les carrières ouvertes aux talents'; this he suggests is unfair, for although it allows equal legal rights of access to 'all advantaged social positions', it also allows the 'cumulative effect of prior distributions of natural assets - that is, talents and abilities' to 'improperly influence' access to social positions. These factors are 'arbitrary from a moral point of view' (p. 72). So Rawls' 'fair equality of opportunity' is defined to mean not only that there is in this formal sense 'careers open to all', but that, more meaningfully, 'all should have a fair chance to attain them'. (p. 73). This means that 'those who are at the same level of talent and ability, and have the same willingness to use them, should have the same prospects of success regardless of their initial place in the social system, that is, irrespective of the income class into which they are born' (p. 73).

This 'fair equality of opportunity' can be obtained in part by ensuring equality of educational opportunity: 'Chances to acquire cultural knowledge and skills should not

depend upon one's class position, and so the school system, *whether public or private*, should be designed to even out class barriers' (p. 73, emphasis added).

Now there are great similarities between Rawls' and Williams' definitions<sup>14</sup>. However, an important qualification, as Rawls several times points out, is that his definition of equality of opportunity cannot be taken in isolation, but must be seen in the context of his theory of justice as a whole, and in particular, his 'difference principle' and the caveat noted above about equality in social primary goods.

So we cannot assume that, just because West's 'minimum adequate education' was compatible with Williams' argument, it would satisfy Rawls too. One way to explore potential differences is to examine how Rawls tempers what he takes to be the logic of Williams' position - which, as we noted, Rawls suggests would lead to the need for the abolition of the family. We noted how West's 'minimum adequate education for all' itself helped to avoid the logic of Williams' argument. Rawls' solution is different: it is firmly embedded in his difference principle.

*Equality of opportunity and the family: towards a minimum adequate education for all?*

Rawls notes that: 'the principle of fair opportunity can be only imperfectly carried out, at least as long as the institution of the family exists ... Even the willingness to make an effort, to try, and so to be deserving in the ordinary sense is itself dependent upon happy family and social circumstances.' (p. 74). However, he thinks he can avoid the

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<sup>14</sup> This isn't surprising as Rawls cites Williams favourably in several places.



implication that the family 'should be abolished', an implication which he notes he would draw from Williams' position on equality of opportunity (p. 512): He argues that: 'Taken by itself and given a certain primacy, the idea of equal opportunity inclines in this direction. But within the context of the theory of justice as a whole, there is much less urgency to take this course.' (p. 512). What emerges most crucially in the theory of justice is the difference principle, which 'redefines the grounds for social inequalities as conceived in the system of liberal equality' (p. 512). Moreover, there are the principles of fraternity and redress which, if working properly, will make people more able to accept 'the natural distribution of assets and the contingencies of social circumstances' (p. 512), in particular, the advantages that belonging to some families can bring.

So what impact would Rawls' difference principle have when we come to consider the implications for equality of opportunity in education? Rawls notes that the difference principle 'gives some weight to the considerations singled out by the principle of redress. ... undeserved inequalities call for redress; and since inequalities of birth and natural endowment are undeserved, these inequalities are to be somehow compensated for'. (p. 100) So at first sight it seems one implication of this principle would be that 'greater resources might be spent on the education of the less rather than the more intelligent, [in], say the earlier years of school.' (p. 101). However, again, we can see that this principle must be 'weighed in balance' (p. 101) with the other principles. The difference principle would only favour this solution if it could be shown that this would be likely to 'improve the long-term expectations of the least favored' (p. 101). But if some other solution showed more likelihood of achieving

that, even, for example, if more attention was given 'to the better endowed' (p. 101), then this would also be permissible. The crucial issue is that the difference principle should be satisfied.

Finally, the principle of fraternity also has implications for education. This is related to the difference principle<sup>15</sup>; however, another aspect of fraternity concerns the 'essential primary good of self-respect' (p. 107). Recall that one of Rawls' caveats to the difference principle noted above was that these essential primary goods should be distributed equally (unless, again, an unequal distribution was in the interests of the least-favoured). So the need for this essential primary good implies that 'the confident sense of their own worth should be sought for the least favored and this limits the forms of hierarchy and the degrees of inequality that justice permits. Thus, for example, resources for education are not to be allotted solely or necessarily mainly according to their return as estimated in productive trained abilities, but also according to their worth in enriching the personal and social life of citizens, including here the less favored.' (p. 107). Similarly, he claims that 'the value of education should not be assessed only in terms of economic efficiency and social welfare. Equally if not more important is the role of education in enabling a person to enjoy the culture of his society and to take part in its affairs, and in this way to provide for each individual a secure sense of his own worth.' (p. 101).

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<sup>15</sup> 'The difference principle ... does seem to correspond to a natural meaning of fraternity: namely to the idea of not wanting to have greater advantages unless this is to the benefit of others who are less well off.' (p. 105). 'The other aspects of fraternity should not be forgotten, but the difference principle expresses its fundamental meaning from the standpoint of social justice.' (p. 106).

So here we have the notion that fair equality of opportunity, modified in distinct ways by the difference principle, the principles of redress and of fraternity, leads to the need for an education for all, adequate to ensure the essential primary good of self-respect, and that this appears to be a non-negotiable minimum for all. On top of that minimum, there could be inequalities in educational opportunities, provided that for Rawls, the difference principle is satisfied. So these considerations bring out similarities to West's 'minimum adequate education for all' solution. There are two differences: one is that Rawls has specified some content to the minimum adequate education (it should ensure self-respect and be geared in some ways towards each person enjoying the cultural affairs of the society): this may well be acceptable to West, as we shall explore in the ensuing chapters. However, there is a crucial dissimilarity between West's model and Rawls', namely the difference principle, which in no way seems to be implied by West's model. For within West's model, there are likely to be severe inequalities, which could only be justified in Rawls' system if they could be shown to be of benefit to the least favoured - and that wasn't part of West's assumptions<sup>16</sup>. So: how crucial is the difference principle to Rawls, and how seriously would not satisfying it be a damaging blow to West's market model?

#### *Rawls' arguments for his difference principle*

Rawls offers two arguments for his difference principle: an intuitive argument and a rational choice argument. His intuitive argument is not very satisfactory. Having

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<sup>16</sup> There is nothing in his assumptions to rule it out, but nothing to suggest that it was anything that he could have had in mind, particularly as it would only seem to be possible with much greater state intervention, which West would abhor.

established that 'the parties [in the original position] start with a principle establishing equal liberty for all, including equality of opportunity, as well as an equal distribution of income and wealth' (p. 151), Rawls then agrees that a person in the original position is likely to concede various inequalities if he or she notes that these inequalities 'succeed in eliciting more productive efforts' (p. 151). But '[i]n order to make the principle regarding inequalities determinate, one looks at the system from the standpoint of the least advantaged representative man. Inequalities are permissible when they maximize, or at least all contribute to, the long-term expectations of the least fortunate group in society.' (p. 151). But where has this come from? It doesn't seem to follow from anything that has been said before; nor is it self-evidently obvious either: I present an alternative conception of when inequalities could be permissible below.

His second argument, from rational choice, is as follows: he offers us an analogy with a player in a game of chance. He says that someone is likely to choose his two principles of justice from the original position in a way analogous to how a gambler would use the 'maximin' rule - which tells us 'to adopt the alternative the worst outcome of which is superior to the worst outcomes of the others' (p. 153).

Now, Rawls recognises that 'the maximin rule is not, in general, a suitable guide for choices under uncertainty.' (p. 153)<sup>17</sup>. But it is rational to use the maximin rule, he

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<sup>17</sup> Why it is not suitable for many 'choices under uncertainty' can be seen with this example: imagine a rational gambler asked to choose between these four societies (example adapting Letwin 1983 p. 23):

1) All incomes £7,500

says, when all three of the following conditions prevail (p. 155): Firstly, when there is no reliable knowledge of the probabilities of each of the outcomes. Secondly, when 'the person choosing has a conception of the good such that he cares very little, if anything, for what he might gain above the minimum stipend that he can, in fact, be sure of by following the maximin rule.' (p. 154). Finally, when the alternatives that are rejected involve 'grave risk.' (p. 154).

By analogy, Rawls suggests that these three conditions will also lead to the adoption of his principles of justice from behind the veil of ignorance. Concerning the first condition, Rawls notes that the original position has *been defined* so that 'the veil of ignorance excludes all but the vaguest notion of likelihoods' (p. 155). Restrictions on the knowledge of those in the original position are in general justified because the parties must be ignorant of facts about themselves, for the good reason that this outlaws bargaining (p. 139). It is not clear why this applies to having knowledge of the probabilities of different societies emerging. The suspicion is that his 'veil of ignorance' has been defined 'so that we get the desired solution' (p. 141). This does seem a little arbitrary - in the 20th century, statistical techniques are well developed, so although it may have been excusable for a classical social contractarian to assume

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- 2) half incomes are £5,000, half £10,000.
  - 3) 1% incomes are £3,000, the rest £7,545.
  - 4) 1% incomes are £100,000, the rest £6,566.

Each has the same 'expected value' as a lottery, namely £7500. So a rational gambler would regard equality - i.e. position 1 - as no better and no worse than the very substantial inequalities in the other cases. So maximin would not feature on the agenda of the rational gambler. (Maximin would select equality, because that has its worst outcome - £7500 - superior to the worst outcome of all the others - namely £5000, £3000 and £6566).

that likelihoods would be difficult to calculate, it is less of an excuse for Rawls.

Concerning the second condition, Rawls notes that there are arguments from his two principles of justice<sup>18</sup> which illustrate its importance: 'if we can maintain that these principles provide a workable theory of social justice, and that they are compatible with reasonable demands of efficiency, then this conception *guarantees a satisfactory minimum*. There may be, on reflection, little reason for trying to do better.' (p. 156 emphasis added). We shall come back to the crucial comments highlighted concerning the guarantee of a 'satisfactory minimum' shortly. But what has this got to do with the second condition, that we aren't interested in maximising or at least extending our income etc., which is one reason why we would choose the maximin rule? If we are assured of a satisfactory minimum for all, why does this preclude striving for something much better? Why would I not strive for more for myself if I was free of guilt about others who were less fortunate? Rawls argues that there is a persuasive consideration to do with 'the priority of liberty': 'For this priority implies that the persons in the original position have no desire to try for greater gains at the expense of the equal liberties. The minimum assured by the two principles in lexical order is not one that the parties wish to jeopardize for the sake of greater economic and social advantages.' (p. 156). So Rawls is arguing that, because of the desire for equal liberties, we would not seek economic and social inequalities. But why do economic and social inequalities rule out, or at least mitigate against, equal liberties? For we have already noted that Rawls accepts that inequalities are desirable in a society if

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<sup>18</sup> The second principle is the difference principle. The first is: 'Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.' (p. 302).

they lead to greater opportunities for the least advantaged. So these inequalities of *themselves* can't be the cause of the undermining of liberty, otherwise they would be outlawed, by lexical priority, in Rawls theory. It does not seem as though Rawls has a substantial argument for the second condition required to use the maximin rule, so again he seems to be in grave difficulties.

Finally, 'the third [condition] holds if we can assume that other conceptions of justice may lead to institutions that the parties would find intolerable.' (p. 156). He gives as an example that 'it has sometimes been held that under some conditions the utility principle ... justified, if not slavery or serfdom, at any rate serious infractions of liberty for the sake of greater social benefits.' (p. 156). This is a very bold claim. For what it says is that we would choose his two principles under a maximin rule, because, to satisfy this third condition, *all* other alternatives could lead to undesirable situations. But how can he be so sure of this? For example, if the utility principle (in whatever form) is otherwise satisfactory but leads to these 'serious infractions of liberty' then it would seem possible that the principle could be suitably modified to ensure that these infringements of liberty didn't occur.

We won't take this matter any further here, for we note that, whether or not this third condition raises difficulties, the second condition seems fatally flawed and the first arbitrarily selected. As Rawls says, all three conditions are needed in order to recommend the use of the maximin rule, so we are left without the need for such a rule in this situation. Analogously, then, it would appear we are left without a rational choice argument for his two principles of justice to be selected from the original

position.

*Guaranteeing a satisfactory minimum: from the difference principle to the safety-net*

This seems quite devastating for Rawls. Can anything be salvaged? Why did Rawls want his two principles, and in particular the second? The crucial aim was contained in the remarks highlighted earlier, concerning the 'guaranteed satisfactory minimum'. For Rawls argues that one of the reasons why his principles are so important is because they *do* guarantee a satisfactory minimum standard for all. Now, firstly, it is hard to see how Rawls could argue that principles of justice alone could guarantee a satisfactory minimum standard. For we are in a position of ignorance about the society. We don't know anything about our place in society, our class position, social status, wealth, natural talents, conception of the good, and so on (p. 137), nor do we know our society's 'economic or political situation, or the level of civilisation and culture it has been able to achieve.' (p. 137). So it could be that our society is one in which there is no-one, for example, with any entrepreneurial, scientific or technological talent, etc. Or it could be a society with no productive resources, or no opportunities for trading with other nations. In other words, our society could be very poor, and although we might find it the case that we are all equally free and the inequalities are arranged so that they do benefit the poorest of all, we might find it that *no-one* has the satisfactory minimum standard. Perhaps this isn't a significant objection to Rawls - for of course, his principles of justice could imply a guaranteed satisfactory minimum, with the caveat 'capital formation of the society permitting'. But is it true that even with this caveat an adequate minimum could be guaranteed? A simple example will illustrate some difficulties. In order to say whether there was



an adequate minimum for all, we would have to know what the minimum level of income was: let us assume it is discovered to be £15,000. Suppose we have the following three individuals in our society, A, B and C, with incomes, £15,000, £15,000, and £2,000 respectively. Let us assume everything else about the society satisfies Rawls' two principles of justice throughout. Suppose then that A is permitted within these principles of justice to increase her earnings, say by opening a small business, because this will benefit C, the least-advantaged, say by employing him. Suppose the new incomes are A: £20,000; B: £15,000; C: £10,000. We have done everything within Rawls' two principles of justice, and in particular the difference principle. But notice, crucially, that C is still living beneath the minimum adequate level. The difference principle has *not* guaranteed the minimum level for all!

This confusion between (a tendency towards) equality and ensuring that everyone has an adequate minimum is well illustrated in Kymlicka's discussion of Rawls. He considers three possible societies, two with extremes of inequality, and the third with fairly close incomes (in unspecified units):

- 1) 10, 8, 1
- 2) 7, 6, 2
- 3) 5, 4, 4

He then argues: 'If you do not know how likely it is that you will be in the best or worst position, the rational choice according to Rawls is the third scheme. ... The problem with the first two schemes is that there is some chance, unknown in size, that

your life will be completely unsatisfactory.’ (Kymlicka 1990 p. 66). But if this is true of the first two schemes, then it is as true of the third, because nowhere has it been specified what a minimum, or adequate income would be. Using Kymlicka’s numbers, if this figure was 10, then *only the first highly unequal scheme* would give anyone a life which was not ‘completely unsatisfactory’. So that would be the rational society to choose, because then you would have at least some chance of surviving. If the figure was 1000, then you’d be indifferent between all of the societies - they would all be as equally as bad. If the figure, however, was 1, then in none of the societies is there a chance of life being ‘completely unsatisfactory’. Kymlicka has confused the notion of relative inequality, with that of living in absolute poverty and inadequacy.

Rawls wanted his two principles of justice to guarantee this minimum: but not only are the principles not justified by his argument from rational choice theory, they do not even guarantee this minimum standard. But there is another feasible way of guaranteeing this minimum from behind the veil of ignorance: that is, by *deciding* that this is what we would choose to have of society - a society, capital (human and material) permitting, which has a safety-net, a minimum below which no-one could fall.

Choosing such a conception of a society is perfectly possible from behind Rawls’ veil of ignorance, for the restrictions on knowledge imposed by Rawls do not include ‘general facts about human society.’ People behind the veil of ignorance do ‘understand political affairs and the principles of economic theory; they know the

basis of social organization and the laws of human psychology. Indeed, the parties are presumed to know whatever general facts affect the choice of the principles of justice.' (Rawls 1972 p. 137). Now one such 'general fact' which I would have thought it crucial for anyone to know about human society, would be that it is possible for human societies, especially once they have reached certain levels of capital formation, to have a 'safety net' below which no-one can fall. This would seem to fit into a general fact about political affairs, about economic theory (which would show that such a state of affairs was possible) about social organization (it is one possible form of social organization) and even about human psychology (people might feel more secure knowing there was a safety-net below which they couldn't fall, and hence strive to achieve this). We couldn't know that our particular society would have a safety-net - this would be ruled out by Rawls' proscription noted above, but we could know that it was a possible social institution.

*Conclusions: Rawls, West and a minimum adequate education for all*

So let me bring the threads of this argument together. West's minimum adequate education, curriculum content permitting (to be explored in the next chapters), satisfied what Rawls sought from equality of opportunity, except that Rawls' equality of opportunity was embedded in his difference principle, which would not be satisfied by West's model - for West did not assume that the only inequalities acceptable would be those which raised the level of the least advantaged. However, once the justification for the difference principle was examined, we saw that Rawls needed it to assure that an adequate minimum standard was maintained. It failed to do that: but Rawls could have simply posited a 'principle of justice' which explicitly stated that

there was to be this minimum safety-net. But now we can return to West's argument. For, although he hasn't discussed other areas of welfare, it is at least compatible with what he is saying about education that he would favour a similar minimum safety net in terms of other areas. For it wouldn't be much good for a child to have a minimum education if he or she didn't also have minimum food, or clothing or shelter. It seems perfectly compatible with the protection of minors principle enunciated in the first chapter.

So we can conclude from this section is that West's 'minimum adequate education for all' satisfies Rawls' position on equality of opportunity, with the proviso that instead of seeking the difference principle, we substituted what Rawls was seeking from it, namely a society with an adequate guaranteed minimum, or safety-net. Hence West's model seems to have fulfilled the requirements set by Rawls as well as by Williams for equality of opportunity to be satisfied. However, perhaps it might be felt that the test set by Rawls was too easy to satisfy, and that what those who object to markets would find particularly galling about West's model is not that it wouldn't satisfy equality of opportunity, but that it wouldn't satisfy equality in some much stronger sense. Indeed, there has been much criticism from the 'political left' that Rawls has neglected important issues. One such writer is Ronald Dworkin, who has argued not for equality of opportunity, precisely because it is in some sense 'fraudulent' (Dworkin 1985 p. 207), but for 'equality of resources'. We turn to his argument now to see if his criticisms could be used decisively against West's market model.

### 2.5 *Why Dworkin cares about equality*

Dworkin's complex four-part work (1981a, 1981b, 1988, 1987) sets out his theory of 'equality of resources' and demonstrates why this is preferable to 'equality of welfare'. His argument again involves a thought experiment and an 'original position', though, unlike Rawls', without 'a veil of ignorance'. The 'original position' is colourfully translated by Dworkin into a shipwreck on a desert island: 'Suppose a number of shipwreck survivors are washed up on a desert island which has abundant resources and no native population, and any likely rescue is many years away. These immigrants accept the principle that no one is antecedently entitled to any of these resources.' (Dworkin 1981b p. 285). How are the resources of the island to be fairly divided between the new islanders? An auction is held, allowing the market to operate in a situation of equality amongst the islanders, each of them having been allocated the same number of an otherwise worthless object, say, clam shells. In this way, the resources are distributed to individuals on the island, in a way that satisfies what Dworkin calls the 'envy test': 'No division of resources is an equal division if, once the division is complete, any immigrant would prefer someone else's bundle of resources to his own bundle.' (p. 285). That is, equality of resources prevails if no-one feels envious of another's bundle of goods. But of course, there are differences in talents and handicaps of the islanders, and so an ingenious mechanism of compulsory insurance is also built into the process, to compensate for disadvantage in the islanders' talents and handicaps.

Now, it turns out that detailed examination of his argument need not concern us

here<sup>19</sup>, for we are only concerned to see if West's notion of 'adequacy' will satisfy Dworkin's notion of equality. But Dworkin explicitly states in these works that it is *not* his intention to answer why equality is desirable: he is concerned only with '*defining* a suitable conception of equality of resources, and not in defending it, except as such definition provides a defense.' (1981b p. 283)<sup>20</sup>. So the whole tone of his work, as Narveson points out, is an hypothetical one: *if* we want equality, *then* equality of resources is the way to go about achieving it. (Narveson 1983 p. 1). But in order to assess whether his theory does provide a challenge to the interpretation of 'equality of opportunity' as 'adequacy', it is the *premise* of why we want equality, rather than the details of how this can be worked out in equality of resources, which we need to examine.

Elsewhere, fortunately, Dworkin has written two articles ostensibly setting out to explain why equality is desirable (1983, 1985). We will examine both these arguments, starting with the second<sup>21</sup>.

Dworkin's second defence of equality comes under the helpful title of 'Why Liberals

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<sup>19</sup> For detailed criticism, see Narveson 1983 and Kymlicka 1990.

<sup>20</sup> It does not seem as though his definition in particular does, or whether indeed definition in general can, provide such a defence.

<sup>21</sup> Both were originally published in 1983, the first as a journal reply to criticism that he had neglected this fundamental question, the other appeared in the *New York Review of Books*. At the end of the journal article is the unusual editorial comment that '[t]he constructive portions of this Comment are provisional in nature and should not be taken to represent the author's final judgement on these matters.' (Dworkin 1983 p. 40); his second essay, however, was republished in 1985 as a chapter of his *A Matter of Principle*, which suggests that the arguments in that were less provisional and had stood the test of time.

Should Care about Equality' (1985). Surprisingly then, nowhere does he *explicitly* say why this should be the case. However, he does give interesting arguments which imply what is being sought. Crucially, Dworkin denies that equality implies anything like 'equality of result', that is 'that citizens must each have the same wealth at every moment of their lives.' (Dworkin 1985 p. 206). But what it does require is that people should *begin* life on an equal footing, or, failing that, that their 'market allocations must be corrected in order to bring [them] closer to the share of resources they would have had but for these various differences of initial advantage, luck, and inherent capacity.' (p. 207). Treating people as equals requires a complex calculation be made along the following lines: Divide the total resources available to all between the number of people; let us call this amount  $x$  units. Each individual cannot now take from the resources *on balance* more than  $x$  units. This is Dworkin's equality of resources.

We note that the 'on balance' is important: for if individuals have contributed much to the community, then Dworkin says they are entitled to take more out (p. 206). That is, the following is consistent with Dworkin's argument: Someone who has contributed nothing to the overall resources of the community at all is entitled only to  $x$  units<sup>22</sup>. Suppose someone else has contributed a great deal, say  $5x$  units. Then on balance she is still entitled to  $x$  units of resources for herself. But she has already contributed  $5x$ , so to make her balance the same as the previous person, she is entitled to  $6x$  units<sup>23</sup>.

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<sup>22</sup> Where  $x$  is as above, the total resources available to the community divided by the number of people in the community.

<sup>23</sup> Provided of course that both started on an equal footing, or redistribution was made along those lines.

This has the interesting implication that economic inequalities - even extreme ones - can still be present even with Dworkin's equality of resources. But what is frustrating about this discussion is that we are still no nearer to knowing why it is *equal* shares to begin with<sup>24</sup> which Dworkin seeks.

However, although no explicit comments, there are, thankfully, hints as to what the problem with inequality is. These reveal exactly what we suspected in Williams and Rawls above, that it is *not* inequality as such that he is particularly worried about: For example, he worries that in the United States: 'A substantial minority of Americans are chronically unemployed or earn wages below any realistic 'poverty line' or are handicapped in various ways or burdened with special needs' (p. 208); or '[t]he children of the poor must not be stinted of education or otherwise locked into positions at the bottom of society.' (p. 211) But here his problem is not that this minority earns *less* than others, that there is inequality, but that they live in poverty, that they don't have enough. He virtually admits as much in his conclusion when he says: 'We need not accept the gloomy predictions of the New Right economists that our future will be jeopardized if we try *to provide everyone with the means to lead a life with choice and value*' (p. 212 emphasis added).

So he has jumped from trying to show that what is important is that everyone has an adequate life, enough choice and value, to that everyone should be equal. This is clearly too big a jump. As Frankfurt writes, criticising Dworkin on this point: 'To show of poverty that it is compellingly undesirable does nothing whatsoever to show

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<sup>24</sup> Or redistribution to that effect.



the same of inequality. For what makes someone poor in the morally relevant sense - in which poverty is understood as a condition from which we naturally recoil - is not that his economic assets are simply of lesser magnitude than those of others' (Frankfurt 1988 p. 147).

Bearing this in mind, we can now return to our example above, of the two people, one with  $x$  resources, the other with  $6x$ , and show, exactly as we showed with Rawls, that Dworkin's concern with equality is a distraction, and that what he should really be concerned with is the notion of adequacy. For Dworkin is happy with the outcome that one person has only  $x$  units, providing only that these  $x$  units are an equal portion of the society's wealth. But if, in order to have an adequate minimum standard of living, a person needed  $5x$  of resources, then the person with  $x$  units would be living in precisely the poverty which Dworkin has been already quoted as condemning! The wretched individual will take cold comfort from the realisation that, although living in poverty, at least he has an equal portion of the society's wealth. So again we can say that, not only is Dworkin's argument not concerned with literal equality, but that this equality is of absolutely no use in ensuring that everyone does have what he seeks, a life of choice and value. Again, we note that what *would* satisfy Dworkin would be a notion of 'minimum adequacy' below which no-one would be allowed to fall.

Let us turn to Dworkin's other defence of equality. Here he notes that there seem to be two questions in fact raised by the question of why equality is important: Firstly,

if we accept his 'abstract egalitarian thesis'<sup>25</sup> then the question is: which interpretation or conception of equality is best? (Dworkin 1983 p. 25). Secondly, we can ask what reasons are there for accepting the 'abstract egalitarian thesis' at all? Dworkin argues that 'most of the practical debate about equality - even debate provoked by people who hold positions they think are anti-egalitarian - is actually debate about the first question' (p. 25). At first glance, as Dworkin has framed it, this does seem reasonable. For as he points out, a whole range of political philosophical beliefs can be accommodated in the abstract egalitarian thesis, from libertarian to utilitarian (p. 24). But the crucial point for our deliberations is, why does the abstract egalitarian thesis imply *equality* at all? For our deliberations so far have suggested that compatible with accepting his egalitarian thesis is to argue that equality is best abandoned in favour of a notion of 'adequacy'. As it stands, Dworkin seems to have slanted his question, to make it possible only to accept his thesis and arrive at some interpretation of equality<sup>26</sup>.

Bearing this in mind, we are able to follow his argument on his first question, ('which interpretation of equality is best?'), to arrive at very similar conclusions to those noted above. Now, Dworkin builds up a complicated machinery to arrive at why his equality

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<sup>25</sup> 'From the standpoint of politics, the interests of the members of the community matter, and matter equally' (Dworkin 1983 p. 24).

<sup>26</sup> For example, note how Dworkin argues that the best way of defending the egalitarian thesis is to show how implausible it would be to deny any of its components - and he does this by 'asking about the reasons you might have for *rejecting equality itself*' (p. 32 emphasis added). But the abstract egalitarian thesis as Dworkin frames it has nothing necessarily to do with equality in this apparently broader sense, only to do with equality of respect for each individual from political institutions.

of resources is the best interpretation of the abstract egalitarian thesis. He does this by arguing that because there are many possible 'highest-order interests', (for example, the utilitarian view of maximising happiness), any attempt at interpretation of his 'abstract egalitarian thesis' must ask 'what *different* goals politics should take up for people in virtue of the fact that they have the highest-order interests they do, on the assumption that these higher-order interests matter and matter equally.' (p. 29). There is a crucial caveat to this, (his 'endorsement constraint') that '[w]e must not propose, as a fixed social goal for any person, some goal that he himself could not endorse as a fixed derivative goal for himself, that is, as a goal he must pursue throughout this life just in virtue of his highest-order interest.' (p. 29)<sup>27</sup>.

This 'endorsement constraint' then rules out equality of welfare, as shown in his first paper, (1981a): for he argues there that 'any plausible version of welfarism will propose some social goal, on behalf of each citizen, that many citizens must themselves reject even as a derivative goal.' (Dworkin 1983 p. 29). Similarly, he argues here that libertarianism, understood as a conception of equality, will also suffer under the endorsement constraint: 'For no one could accept, as a fixed goal for himself, that he have as much of any particular kind of freedom as possible, even at the cost of other resources he might have had instead, once he understands that this might weaken his position to lead the life that is in fact the most valuable for him to

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<sup>27</sup> This was arrived at by considering the paternalistic implications of not having such a constraint.

lead.’ (p. 30)<sup>28</sup>. Next Dworkin argues that his equality of resources does satisfy this endorsement constraint: ‘Equality of resources proposes, as the derivative goal politics takes from individual interests, the provision of resources according to the most abstract possible account of what resources are, so that the resources an individual actually has available to him, in virtue of the political goal, depend on his decisions and projects from time to time. Now one can state any goal about the command he is to have over resources that is better suited to his highest-order transparent<sup>29</sup> interest, his interest in leading a life that is in fact a valuable life.’ (p. 30).

The problem with this argument is that our argument above (where we suggested that Dworkin’s equality of resources could not of itself guarantee a life of choice and value) precisely challenges Dworkin’s claim that equality of resources could be well-suited to a person’s ‘interest in leading a life that is in fact a valuable life’: for equality of resources could lead, as our example showed, to living in absolute poverty, which would clearly not be leading ‘a valuable life’. Now Dworkin recognises that there could be other, even better, arguments for other conceptions of equality which will also satisfy his concerns (p. 30). Crucially, we can see that our notion of ‘adequacy’ *does* satisfy his concerns, and in particular, does satisfy his ‘endorsement constraint’: for no individual would object to having as ‘a fixed social goal’ that of

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<sup>28</sup> This doesn’t seem entirely true, for it would seem possible for some fanatical ‘freedom-at-all-costs’ person to want such a fixed goal for himself, and would not want any substitute life-style. But we will ignore this complication for now.

<sup>29</sup> Here ‘transparent’ is contrasted with ‘opaque’ (p. 27): a transparent interest in leading a good life means that it matters to a person whether his or her life is in fact good; an opaque interest in leading a good life means that it matters whether he or she *thinks* his or her life is a good life.

having an adequate level of resources on which to live and develop.

Hence, we can argue that both Dworkin's explicit discussion of the importance of equality leads us back to the acceptability of our previous notion of 'adequacy'. Now, without going into the depth in which we have done with Williams and Rawls, we can assume that similar arguments could be made to show the compatibility of West's 'minimum adequate education for all' with Dworkin's position when translated into arguments concerning education - for the key point remains the same: he does not seek equality in any literal sense, only that everyone has a level of adequacy.

## 2.6 *Conclusions: for 'equality of educational opportunity' read 'an adequate education for all'*

This chapter has examined the objection to West's market model that it wouldn't satisfy 'equality of opportunity'. Building on the discussion of chapter 1, we examined West's notion of 'a minimum adequate education for all' (which he conceded would be needed in his market model) to see whether it could be compatible with the notion of 'equality of opportunity'. To this end, we examined the arguments of three philosophers concerned with this issue, philosophers chosen as representing critical points in recent discussion from the 'political left' on equality. Discussion of Bernard Williams' argument showed his notion of equality of opportunity to be compatible with West's minimum adequate education for all, with the small caveat that the 'positionality' of education would pose a problem - but only as much a problem as under any education system whatsoever, including a heavily state-interventionist one. Similarly, Rawls' argument for equality of opportunity was also compatible with West's notion, except that the 'difference principle' put constraints on inequalities which were outside those allowed by West. However, when examined, the difference principle didn't actually do what Rawls sought from it, and in fact, positing instead the notion of an adequate minimum safety-net - compatible with West's position - would be far more satisfactory to Rawls' theory. Finally, we examined the argument of Dworkin, and again found the reasons for his seeking equality not only compatible with the notion of adequacy, but in fact *not* met by his favoured 'equality of resources'. Again we concluded that Dworkin's argument suitably modified would also then be compatible with West's notion of a 'minimum adequate education for all'.

All this discussion has been abstract in one very important sense: we have been arguing in terms of West's 'minimum adequate education for all', but have not yet specified what is included in this 'adequate' education. Now that we have found his notion to be philosophically acceptable, we must try to 'flesh out' what might be in the curriculum for this education. Clearly, one approach to doing this would be to address other objections to West's market model outlined in chapter one, namely that markets won't provide an 'education for democracy', nor will they provide the related notion of an 'education for autonomy'. In the next two chapters we look at both of these notions to see if they can provide the basis of the curriculum for West's 'minimum adequate education'.

### ***Chapter 3: Education for Democracy and the Curriculum for West's 'Minimum Adequate Education'***

#### ***3.1 Introduction***

In chapter 2, we saw that West's 'minimum adequate education for all' could satisfy critics of markets concerned with equality of opportunity, provided that we supplemented that discussion with some consideration of the minimum curriculum content. Now, as was noted in chapter 1, a likely objection to West's market model is that it won't bring about a 'politically literate' citizenry; hence education within his model would need to be regulated to ensure this. Thus, the first possibility we examine is that West's 'minimum adequate education' could be fleshed out as an 'education for democracy'<sup>1</sup>.

We note, too, criticisms that markets will fail to provide 'education for democracy' have been at the forefront in the recent debate about market in education. For example, Keep notes the expectation that schools, unlike private sector businesses, must 'pursue social goals, such as the ... fostering of notions of citizenship'. (Keep 1992 p. 114). Green notes that in a democracy, 'everyone must have a right or entitlement to certain fundamental benefits that education can confer and which a participatory democracy needs in its citizens, if it is to function as such.' This, he

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<sup>1</sup> In chapter 4 we will consider the related - but distinct - notion of education for autonomy. The relatedness of these issues makes the argument in this chapter similar in structure to the argument there.



writes, is possible 'only through a comprehensive - that is all-embracing - system and that the comprehensive principle must extend to ... the curricula that it is designed to deliver.' (Green 1991 p. 59).

This chapter begins by outlining West's own discussion of education for democracy, and explores what he sees, implicitly at least, as the difficulties with incorporating this into his notion of an 'minimum adequate education for all'. We outline what protagonists of education for democracy see as desirable for a curriculum adequate for participation in democracy. The question is then raised of whether this curriculum should be made compulsory by the state<sup>2</sup>: we arrive at contingent objections to allowing the state to promote a compulsory education for democracy, and contingent suggestions that it might not be necessary for the state to do so. However, seeking any non-contingent reasons why the state should, or should not, be involved in the promotion of education for democracy, we follow an argument which explores justifications for democracy. We conclude by examining whether education for democracy is likely to be an acceptable 'fleshing out' of the curriculum for West's 'minimum adequate education for all'.

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<sup>2</sup> Or indeed, whether the state should be involved in promoting the curriculum in any way, short of making it compulsory: for even state promotion distorts the choices of people, as will be discussed below when we consider Raz and coercion, chapter 4.

### 3.2 *West on education for democracy*

West discusses education for democracy in terms of his general ‘neighbourhood effect’ argument<sup>3</sup>. He points to education for democracy as a frequently cited ‘positive’ neighbourhood effect (West 1970 p. 40). He considers two principle elements of an educational curriculum ‘to make democracy work’, literacy (p. 41) and ‘political literacy’ (p. 46). The latter includes<sup>4</sup> ‘the task of acquainting the ordinary electorate with the rules and spirit of their constitution’ (p. 46); this is elaborated on slightly further when he speaks of the electorate becoming ‘fully articulate in political matters’, including ‘the ability to read if not always understand a party manifesto, to be able to lobby, [and] to accept the need for some taxation’ (p. 46).

This concludes West’s brief discussion of the sort of curriculum which he would argue would make up a curriculum for education for democracy. Now: should this be included as part of his ‘minimum adequate education for all’, and hence part of the curriculum inspected by the state? West seems to balk at this suggestion - for at least it is not explicitly mentioned in this context. His argument against including it would presumably be that the appropriate knowledge and skills for democracy would not necessarily be best obtained in schools, and that other institutions exist which could better serve these ends: ‘So long as healthy opposition to an existing government is allowed, one can always rely to some extent at least on the organised pressure of

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<sup>3</sup> Discussion of ‘neighbourhood effects’, or ‘externalities’ in general is postponed until chapter 6.

<sup>4</sup> It also includes ‘the provision of avenues for political leadership.’ (p. 46). This aspect, relating to equality of opportunity and positionality has already been discussed in chapter 2, and will not be further pursued here.

minority parties and groups such as trade unions, trade associations, etc., to educate in this sense' (p. 46). He also notes that James Mill 'contended that a free press was all that was necessary for a healthy and stable democracy. Political education in a liberal society, he thought, could best come from widely dispersed groups airing their views in journals, books and newspapers.' (p. 47). Similarly, he quotes John Stuart Mill pointing to the widespread reading of newspapers, long before the state was involved in education. He suggests that 'the existence of such rapidly improving means of communication' probably influenced John Stuart Mill in advocating 'a system of compulsory *education* as distinct from compulsory schooling' (p. 47). Moreover, the 'enormous multiplication, improvement and cheapening of means of instructional media such as television, radio, paperback literature, weekly journals, correspondence courses, as well as newspapers' (pp. 47-8), West suggests, would make it even more likely that Mill could have concluded that knowledge of politics and economics would be better 'provided by a variety of sources than by a single system of state schools' (p. 48).

However, West could not, with consistency, argue in this way: For, as we noted in chapter 1, West is adamant that education is not synonymous with schooling, and that a person's minimum adequate education could easily be obtained outside of formal schooling. So it would certainly seem consistent with West's discussion to argue that his 'curriculum for democracy' could be included as part of the inspected 'minimum adequate education for all', with simply the added caveat that this curriculum could be obtained by students reading newspapers, watching television, and so on.

It is consistent with the discussion so far, but West didn't argue for it. This could be simply because he overlooked it, concerned as he was predominantly with issues other than the curriculum. Or could there be other objections to including education for democracy as part of the state inspected compulsory curriculum? To create a framework in which to explore these issues, we turn to recent discussion of the need for education for participation in democracy.

### 3.3 *Education for participation in democracy*

In this section we put West's discussion into the broader context of philosophical writings about education for democracy. Now, there has been a long philosophical tradition advocating the need for education for participation in a democracy. Aristotle, David Hume, John Locke and John Stuart Mill all wrote of the need for citizens to have not only 'knowledge through political action but also "factual" knowledge in order to participate in a democracy', (Parry 1978 pp. 37-8). More recently Bernard Crick and Alex Porter, and Amy Gutmann are among those taking up this cause, offering detailed proposals regarding the curriculum content needed by citizens to participate in democracy<sup>5</sup>.

What is meant by 'participation' in these contexts? The writers considered point to many widely different types of institutions in which democratic participation can take place, from national elections to small committee deliberations; moreover, democratic participation could involve many and varied activities, including rational deliberation and discussion, lobbying and campaigning. However, looking for common features in all these forms of democratic participation, it has been suggested that arriving at decisions through the act of voting is of central importance (Riker 1982 p. 5). In this chapter (and in chapter 5) we will take voting as a necessary, although not sufficient,

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<sup>5</sup> Two plausible positions on the need for education for democracy present themselves. It could be argued that, even in an imperfect democracy such as that in the UK, citizens need an improved education for participation. Alternatively, it could be argued that this need would only be felt in an *improved* democracy, for the imperfections in our current democracy rule out any benefits that might be obtained from improved educational opportunities. Whichever of these two positions is adopted, however, the argument that follows is applicable: however, the two positions will become relevant in the discussion in chapter 5.

condition of democratic participation, and assume that this would also satisfy these writers. This is not to undermine the importance of the other processes, but only to emphasise that none of the processes would be considered democratic if there was not some provision for participants to cast their vote at the end of the processes, in order to make their decisions known.

Now, Crick and Porter explore the curriculum content for 'education for democracy' as follows: a 'politically literate person would possess, among other things, a knowledge of those concepts minimally necessary to construct simple conceptual and analytical frameworks' (Crick and Porter, 1978 p. 47); they spell this out as requiring, *inter alia*, the development of oral and written language skills, an understanding of number and statistics, the scientific interpretation of data, and ethical understanding (p. 255). Gutmann similarly puts forward suggestions for the curriculum content needed for participation in democracy: she includes reading, writing and arithmetic, developing 'capacities for criticism, rational argument and decision-making... how to think logically, to argue coherently and fairly, and to consider the relevant alternatives before coming to conclusions' (Gutmann 1987 p. 50). Finally, there are the detailed curriculum proposals of O'Hear and White (1991 pp. 19-22), which include knowledge and understanding of maths and sciences, practical competencies, experience of the arts, understanding of the social community, as well as prescriptions about the organisation and ethos of the school; all of this will enable the individual to be a participant in the democratic community.

What can we say about such a curriculum? Firstly, we can note there are *prima facie*

similarities between these several proposals. Secondly, we see that the list of educational requirements for participation in a democracy appears rather long: certainly there is more detail than that discussed by West. In order to make informed decisions in a democracy, many cognitive skills, dispositions, and knowledge content is required. One reservation immediately occurs about this: with education for democracy being so demanding, it seems likely that the majority of citizens are unlikely to become acquainted with more than a small subset of it (Gutmann 1987 p. 287). Perhaps this could be challenged by pointing out that even if the education is so demanding, the majority would still be in a better position to participate if they took in only part of the curriculum; a *grounding* in these issues for all would be better than nothing, and improve the quality of our democracy. A problem with this is that it is a common experience that one's views on a subject change, the more in-depth knowledge is acquired. Take a topical theme such as the environment. Perhaps the minimum level of education for participation in democracy would inform children about the hole in the ozone layer and how government action on pollution could solve this problem; those with this minimum level of education might then vote for a party which supported, say, strong government pollution controls on industry. Someone with a little more information might discover that the hole is over Antarctica, and hence question how the industrial pollution of the 'North' could have caused it; they might then discover that some experts suggest instead it is caused by volcanic activity in the 'South', which would obviously have different voting implications. Or a more in-depth education might lead one to see disagreeable effects of strong government action to reduce pollution, and hence to question whether or not there might be other, and

better, ways of combating pollution<sup>6</sup>.

My point is that a little information is not necessarily any better than none. *Understanding* of issues is what is required for informed political decision-making, not a passing acquaintance with a few bare facts. So it seems likely that when people write of the need for citizens to be educated for participation in democracy, then it is the rather demanding education that they do - or should - have in mind. Moreover, if West is genuinely concerned with the abilities of individuals to participate in democracy, then *prima facie* it would seem that he, too, would have to endorse the more extensive requirements for the curriculum.

Now, the argument of the three (sets of) authors quoted above proceeds somewhat as follows: not only is an education adequate for participation necessary, but furthermore, it is necessary to ensure that all receive it. Hence, education for democracy *should be part of the compulsory curriculum promoted by states*. Does this follow? Does someone who believes in education for democracy for all, have also to believe that it should be made compulsory by the state?

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<sup>6</sup> For example, current European legislation leads to the perverse effect of outlawing the lean-burn engine, which is considerably cleaner than an engine fitted with a catalytic convertor. Indeed, catalytic convertors make things *worse* at average European morning temperatures, although they are quite effective at average temperatures in California, where they were tested. For details on 'market solutions' to environmental problems see Anderson and Leal 1991.



### 3.4 *State versus non-state education for democracy: Contingent arguments*

In order to argue that the state should be involved in the promotion of a compulsory education for democracy, we would need to be committed to the following propositions:

- 1      that some, or all, of the state's citizens need an 'education for democracy' to be able to effectively participate in democracy, (over and above that which they or their relatives are able to provide);
  
- 2      a state-promoted compulsory education for democracy is needed to ensure that all 'receive' the required education for democracy; this is because (a) those who need an 'education for democracy' cannot either expect to receive it through the institutions of civil society<sup>7</sup>; or, (b) that state intervention in this regard will *better* promote their ability to participate in democracy than these other institutions.

The second proposition trivially implies a third:

- 3      that state intervention in this regard is efficacious; i.e. that certain types of state intervention in education can be expected to have the effect of improving democracy, by effectively promoting the ability of citizens to participate in democracy, better than if the state was not involved.

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<sup>7</sup> Used throughout this thesis to refer to voluntary non-state institutions, e.g. families, the media, religious organisations, communities, political parties, and so on.

Now the first of these propositions could only be examined empirically or historically, and we cannot go into this now<sup>8</sup>. The second proposition also contains a large empirical element, which again we cannot resolve now. But it is worth pointing out, as West does, that, without the state being involved in the promotion of education for democracy, there are numerous other ways in which citizens can and do have access to 'education for democracy': through lectures, sermons, newspapers, television, films, articles in magazines, pamphlets, comics, books, etc. One objection to settling for this might be that the crucial issue is that *all* should receive a curriculum for democracy, and this can't be guaranteed without the state. However, this assumes a simple correlation between a (state) *compulsory* curriculum and *all* children 'receiving' *all of the curriculum*<sup>9</sup>. But clearly, there are many reasons why every child might not 'receive' (let alone understand) the compulsory curriculum, or why any particular child might not 'receive' (let alone understand) all of the compulsory curriculum. For example, there are factors at the student level, (some, but not all, connected with schooling) such as absenteeism, daydreaming in lessons, comprehension problems, motivation problems, etc. Then there are factors at the teacher or school level, bearing on how much of the prescribed curriculum actually gets taught by teachers: for teachers might misinterpret curriculum statements, or deliberately distort them to teach what they want to teach. So, there are at least five variables which are likely to affect both the percentage of children who receive all of the state compulsory curriculum,

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<sup>8</sup> But some comments are made in chapter 6, last section.

<sup>9</sup> This issue is of considerable importance: this discussion will be referred to in chapters 4 and 6.

and the percentage of the state compulsory curriculum received by each child, namely the proportion of prescription of the curriculum, the degree to which the prescribed curriculum is actually implemented, the attendance of children, their ability, and their attention and motivation.

So, it is clear that with a compulsory curriculum, there is a strong likelihood that not all will receive it, and that not all of those who receive it will receive *all* of it. But this brings us then to the question: will *voluntary*, non-state efforts to propagate an education for democracy lead to a greater or lesser proportion of people 'receiving' what was required for participation in democracy? And would there be a greater or lesser proportion of the 'curriculum' being understood by each person? For example, if reformers, anxious to ensure that all received an education for democracy, concentrated their energies on other media, such as television, newspapers, radio, films<sup>10</sup>, publishing, preaching, etc, as well as aiming to persuade schools and students to partake of these opportunities, rather than relying on a compulsory curriculum for schools, would this reach more or less people, and would each person take in more or less of the 'curriculum'?<sup>11</sup> Clearly factors relating to motivation, interest,

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<sup>10</sup> Medved points out how Hollywood film makers have been influenced by recent campaigns. The Environmental Media Association (EMA) brought experts to talk about environmental problems to directors, writers, producers, agents and stars; these have had an immense impact both on television and on box office hits (Medved 1992 p. 338). Similar successful lobbying programmes have ranged from concern with alcoholism (The Harvard Alcohol Project), to the need for wearing seat belts in cars (Entertainment Industry Council).

<sup>11</sup> This relates to West's point that, where there is a 'healthy opposition' to government, then there will be great pressure from other political parties, trade unions, and other pressure groups to make the citizenry aware of important issues (West 1970 p. 46).

accessibility, and so on would be raised here.

So my position is that, if education for democracy is thought desirable, it is too easily assumed that the state *will* solve the problem and markets and other non-state provision *can't*. The issues raised concern empirical questions and hence are contingent questions which we cannot answer here<sup>12</sup>.

Returning to the *third* proposition, and the second half of proposition two, again it is likely that any opposition to this will be for *contingent* reasons only. For example, if we lived in a state which called itself a democracy, but fell far short of what we consider a democracy should be, then we might be very dubious - indeed fearful - about the efficacy of the state to bring in a satisfactory programme.

But do we have to leave our propositions here, with only *contingent* objections to them? That is, do we have to be content with an open verdict on the possibility of a state-compulsory curriculum for democracy fleshing out West's 'minimum adequate education for all'? There are two possible routes to finding non-contingent objections to these propositions to be considered here<sup>13</sup>, namely an argument from the problem of collective action, and a *reductio ad absurdum* argument that assumes that states should be involved in promoting education for democracy, and sees what follows from it.

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<sup>12</sup> But we will come to two non-contingent points below.

<sup>13</sup> A third route could seek a more general argument against extending the jurisdiction of the state. We will not consider this general argument here.

### 3.5 *State versus non-state education for democracy: non-contingent arguments*

#### *Problems of collective action*

West has accepted that 'education for democracy' can be considered a positive 'neighbourhood effect' or externality, of education. However, this brings in the problem of collective action, or the 'public goods dilemma'. For there is a tradition in political theory that suggests that desirable externalities will be underprovided unless governments intervene, either because, however desirable these externalities are to the community at large, they will not be desired by individuals, or because of the difficulties of coordination. Translated into the promotion of education for democracy, the argument would be that the following propositions would hold:

- 4      reliance on the altruism and/or self-interest<sup>14</sup> of citizens would not lead to the desired outcome of the promotion of education for democracy for all;
  
- 5      even if individuals were altruistic and/or self-interested enough, they would be subject to the limitations of *collective action* problems in coordinating action for educational opportunities for democracy without the state; we need the state to solve these collective action problems for us.

Arguments against these propositions will not be discussed until chapter 6, where we suggest that the problem of collective action may not be as powerful as certain

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<sup>14</sup> Self-interest would come about from wishing to promote the desirable 'neighbourhood effects' of a 'politically literate' citizenry, or through the needs of media editors to maintain audiences, or the needs of opposition politicians to alert people to failings of government, etc.

theorists have suggested, and hence that there may well be a non-contingent argument against accepting proposition 3 above.

*Reductio ad absurdum*

A second way at arriving at a non-contingent objection to proposition 3 is attempted by again assuming the first two propositions, and seeing what follows from this - with the hope of finding a contradiction between this and proposition 3. That is, we assume:

- 1      that some, or all, of the state's citizens need an 'education for democracy' to be able to effectively participate in democracy;
- 2      a state-promoted compulsory education for democracy is needed to ensure that all 'receive' the required education for democracy;

and see where this argument leads. My question is: what will happen to those who fail to obtain the necessary skills, knowledge and dispositions? *Should they be allowed to vote, or otherwise participate, in the democracy?*

It might be felt that such a consideration is ruled out-of-court immediately by definitions of democracy. However, definitions of democracy aren't as straightforwardly opposed to this consideration as might be supposed. For example, we could follow Lively in defining democracy, paying close attention to the word's etymology, as the rule ('kratos') of the people ('demos') (Lively 1975 chapter 2). Both

'rule' and 'the people' need explication: we find that Graham has refined the definition of 'the people' to include those affected by decisions made, and *who possess some characteristics entitling them* to decide issues affecting them (Graham, K. 1987 p. 15). But, crucially, this is framed in such a way as to leave open the possibility that one of the characteristics entitling membership of the 'demos' could well be 'competence'. So the definition of democracy need not rule out the discussion that follows.

One consideration which might be worth pondering before proceeding is to consider what states do when other conditions that are deemed *necessary* for some act are not fulfilled. Certain driving skills are deemed necessary for driving on public roads, so states institute a compulsory driving license; states deem it necessary that teachers (in state schools) have a qualification in education, and forbid anyone without these qualifications from practising. This is so, even though it might be considered unfair that some people have not enough opportunity to obtain any of these licenses or qualifications. Is there a similar argument for bringing in licensing with regard to political participation?

Firstly, let us observe, that many, or even all, of these suggestions of curriculum content *are* the types of knowledge and skills that are amenable to assessment<sup>15</sup>. So

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<sup>15</sup> There will be difficulties in weighing up the different priorities of validity and reliability in the assessments. Presumably written papers would be supplemented by oral and practical assessments. Assessment of participation itself could be conducted at some 'lower levels of government', for example in the school. Walzer (1980 p. 169) has implied that a model for education for democracy might be a training in law: hence a model for the assessment might be that of admission to the legal profession.

for convenience, we could dub the collection of all these different assessments, of reading, writing, arithmetic, logic and statistics, democratic performance, and so on, a 'Political Proficiency Certificate', or PPC. Now we have a shorthand way of saying that a person shows evidence of having completed an education that O'Hear and White, Crick and Porter, Gutmann, and so on, would deem adequate for participation in a democracy, namely that a person has passed the PPC<sup>16</sup>. So my question becomes: what should happen to those in a democracy who fail to obtain (at least) a PPC<sup>17</sup>?

A person's failure to obtain a PPC means, by definition, that this person's knowledge and skills are not adequate for participation. That is, given a required political decision, a PPC failure would not be able to make a rational and informed judgement. For example, (using the curriculum descriptions of Crick and Porter, and Gutmann), a PPC failure would not be able to do some or all of the following: understand and interpret arguments for and against particular policies; understand or interpret government statistics; he or she would not have suitably developed capacities for logical criticism, nor be aware of the different bases of ethical understanding, and so on.

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<sup>16</sup> There may well be other skills, knowledge and so on which were not amenable to assessment but which were still deemed important for political participation. In which case, the PPC would be a necessary but not sufficient condition for a person to be qualified to participate.

<sup>17</sup> It could be decided that there should be a variable level PPC with passes at lower levels acceptable for participation in certain democratic decisions, and only at higher levels in all decision-making.



If PPC failures were permitted to participate (by voting, for example) in a democracy, how would this be perceived by those who are qualified to participate? To put this more concretely, suppose there were two groups of voters<sup>18</sup>, X, those who had passed their PPC, and Y, those who had failed it. Suppose the political decisions to be made are about something that will seriously affect me. It is likely that I will want the decision to be made by group X, not group Y, nor even by a majority of groups X and Y. Of course, I would concede that it might still be the case that those in group X (persons who had obtained their PPC) would not use the skills, knowledge, etc, in order to make political decisions - perhaps because of laziness, or lack of time, or because of priorities other than becoming informed about voting issues; or it could be the case that those in group X would nonetheless ignore the results of their deliberations when making political decisions, perhaps because these outcomes conflicted with their own personal interest, and so on. I might also feel that, for some decisions, the 'uneducated' group Y could easily be swayed by propaganda - perhaps organised by myself - which would lead them to my opinion on the issue in question. Nevertheless, even given all these possibilities, *ceteris paribus*, I still think it would be likely that I, as a PPC holder, would rather see a decision which was of importance to me made by the more qualified group. For surely we can agree with Dahl that 'if you believe that there are significant differences in competence with respect to some subject, the more important the decision is to you the more you should, and presumably will, try to have the decision made by the most competent authority.' (Dahl 1970 p. 31).

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<sup>18</sup> Voting, recall, is a necessary although not sufficient condition for participation in democracy.

So the upshot of all this is that following from our propositions 1 and 2 is:

- 3\*      the democracy should employ 'fitness tests' to determine membership of the voting 'demos'.

Crucially, notice that *the same conclusion is not likely to be arrived at by those who favour education for democracy, but do not wish to see the state promote it*: for their inhibitions about using the state for this promotion, whether contingent or principled, are likely to carry over to the issue of not wanting the state to be involved in anything like regulating and promoting a PPC. So we need *both* of the propositions 1 and 2 in order to arrive at this conclusion.

This conclusion jars with the accepted wisdom about democracy. In a moment we will consider whether there are any countervailing arguments which would seriously undermine the case for a PPC. But first we note some interesting parallels with the question asked here, and that asked by LaFollette concerning licensing of parents. LaFollette's argument is that activities which are (a) potentially dangerous and (b) which require certain demonstrable competencies for their safe performance give a *prima facie* case for regulation by government (LaFollette 1980 p. 183). His argument applies these criteria to parenting: for parenting is potentially very harmful to children, and parenting clearly requires competence. My argument here seems to fit the criteria mentioned by LaFollette: voting requires competence (by assumption of the education for democracy protagonists); it is also clearly hazardous: for example, voting in the

1979 election in the UK brought about a Thatcher government which at least some would argue had a dangerous impact on people in this country and overseas - one of many examples could be Argentina. Moreover, as we have observed there do seem to be relatively reliable methods of ascertaining whether people have achieved the requisite levels of competence. So, according to LaFollette, there would be a *prima facie* argument for licensing voters, by instituting competency testing for democratic participation<sup>19</sup>. The parallels here are interesting because they show that these 'illiberal' ideas do in fact fit into mainstream discussion in academic political philosophy, and are not outlandish 'straw man' ideas which no-one could possibly subscribe to, dreamt up simply for the purposes of the argument here<sup>20</sup>.

So are there any ways around this conclusion? The obvious way out would be to argue that although the definition of democracy might suggest the need for fitness tests for participation, *justifications* for democracy would rule these out<sup>21</sup>.

Now, what of the justifications for democracy? Can these override the demand for a PPC? In the next section we will consider some of the justifications for democracy

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<sup>19</sup> LaFollette explores possible objections to this conclusion with regard to parenting, some of which parallel the objections I explore below with regard to democratic participation.

<sup>20</sup> LaFollette's article was in the prestigious *Philosophy and Public Affairs* journal. Moreover, the published reply, (Frisch 1981), and other citations of the paper, have each concentrated on showing the limitations of the argument in regards to the practicalities, which LaFollette (1981) correctly dismisses. The argument as to whether there is something 'illiberal' about providing the state with such power is not mentioned.

<sup>21</sup> See Longstaff 1989 for this crucial distinction.

which I suggest are likely to appeal to the political 'left', to see if any of these rule out the requirement of a PPC. We will then return to our *reductio ad absurdum* argument, in particular to see how it affects our proposition 3 above.

### 3.6 *Justifications for Democracy and fitness tests for participation*

To summarise the discussion thus far: we are trying to adjudicate between those who would wish to see education for democracy made compulsory from those who might be in favour of education for democracy but would balk at state compulsion of this - this would seem to be West's position. I suggested that a logical implication of seeking state-promoted education for democracy is to be in favour of 'fitness tests' for democracy<sup>22</sup>. Now, is anything in the justification of democracy which can rule out such competency tests?

Justifications for democracy<sup>23</sup>, broadly speaking, can either be of a *consequentialist* or a *deontological* type. The latter justifications have the feature that 'the conclusion is meant to follow from the mere conjunction of a definition of democracy and a general moral principle' (Nathan 1971 p. 107). These give grounds for democracy 'based upon some principle or principles whose truth is evident or universally accepted' (Cohen 1971 p. 1). *Consequentialist* justifications, on the other hand, require some statement concerning facts to support the justification. These facts could be about the better performance of governments under democracy, or of individual citizens themselves. The justification consists 'in showing that certain states of affairs, desirable in themselves or relatively desirable, are [democracy's] probable consequences.' (Cohen 1971 p. 1). Clearly, there is some overlap between these two

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<sup>22</sup> This is a *logical* implication. It might be objected that, even if it was logically implied, this doesn't mean that states would actually go that far. That is irrelevant - the aim here is to challenge those who believe in state-promoted education for democracy, by showing a logical corollary of their belief.

<sup>23</sup> These will also feature very prominently in chapter 5, where we discuss how markets might be able to satisfy them.

categories, for the desirable *consequences* of democracy could be considered to be either of a non-moral kind, for example, the promotion of individuals' or the general interest, or of a moral kind, for example, the pursuing of the common good, or safeguarding of individual liberty, or political equality (Graham, K. 1987 p. 20).

The most frequently expressed *deontological* justification for democracy (at least from the political 'left', which as we noted in chapter 1 is our main concern in this thesis) is the argument from *political equality*. Individuals have some intrinsic qualities which give rise to the desire for all to have equal participation, in some manner to be discussed, in political matters. Common *consequentialist* justifications for democracy (again, at least from the 'left') concern, first, the *educative importance of democracy*; that is, that if individuals are enabled, in some greater or lesser respect, to participate in government, then this has an educative effect on them (Lively 1975 p. 132). Secondly, there are justifications concerning either the way in which democracy promotes *individuals'*, or the *general, interest*. Finally, democracy could be seen to have the consequence of *promoting liberty*. We will briefly examine each of these justifications for democracy in turn, to see if they can override the need for a PPC. First, political equality.

*Overriding a PPC? the argument from political equality*

What is claimed in the justification of political equality as a basis for democracy?

One argument is that given by Cohen. He argues that the principle of political equality can justify democracy in the following three steps:

- 1 equals should be treated equally;
- 2 all people are equal in one fundamental way;
- 3 that this way is 'precisely that necessary to justify democracy in the body politic.' (Cohen 1971 p. 3).

Now, clearly the first principle alone, that 'equals should be treated equally' is not enough to justify democracy, since this principle 'needs to be supplemented by argument showing that the members of that community ... are indeed equal in the necessary relevant sense' (p. 2). Step 2 tries to do this. The significant equality is that 'beneath all the undeniable differences among men there is in every human being an element, or aspect, or essential quality which justifies our treating him as the equal of every other in the largest sphere of human life.' (p. 12). It is Kant's notion of human dignity: 'Dignity here connotes not pride or manner, but the intrinsic worthiness of every human being, without regard to his intelligence, skills, talents, rank, property, or beliefs.' (p. 12). Now he suggests that an argument cannot be constructed for this equality, and if it is not accepted by someone, then the argument would fail for that person. This doesn't matter for our purposes, for we want to assume the argument, and see whether or not it can rule out the need for a PPC.

Cohen moves his argument from his step 2 to step 3 in two main ways. The first uses a 'position of ignorance' in an imaginary society from which position he claims, 'there is a strong presumption in favor of democracy... So far as we know, the members of [the society] are equal; at least they are equals in being members of [the society]. Regarding the right to a voice in the affairs of [the society] we have no rational way to justify any preference among them.' (p. 5). This argument doesn't seem very convincing. If we were in a position of ignorance about our society and what position we would hold in it, and if we were entrusted to determine the institutions of that society, it seems at least a plausible alternative position that we would be concerned that important decisions were made by members of that society who were *competent* to make them. We might insert caveats to the effect that it is desirable that there should be opportunities for all to become competent in the due respects, and that all those who are competent should be granted political equality, irrespective of whatever other sub-communities they happened to fall into (thus perhaps ending political discrimination against children), but not allowing the incompetent to participate. Against this, Cohen says that 'we are likely to act on the presumption that where important and relevant inequalities cannot be shown, the members of a community are entitled to equal treatment with regard to the right to participate in common affairs.' (p. 6). But the discussion of the PPC above suggested that competence is not likely to be an inequality that 'cannot be shown'. Cohen's first argument does not succeed.

Cohen's second way of arguing from his step 2 to step 3 explores more fully the notion of dignity. He argues that possession of universal dignity gives every person an equal *concern* and an equal *standing* in the political community. We'll focus on



the first of these. He writes: 'Precisely because these needs are universal every man has an equal concern in the effort to meet them. Every man has an equal concern in the establishment of justice, in the protection of liberty, and the promotion of the general welfare, because these goals are crucial to the pursuit of all his other ends, and hence crucial to the conduct of his own life.' (pp. 16-7). This seems to have a strong empirical element which I think could be questioned. If I am a thief I am not as concerned with the establishment of justice as is a law-abiding person; some people are more concerned with liberty than others; some are more concerned than others about general welfare. He concedes that there might be differences in education but notes that: '[h]owever great these differences may be they are relatively unimportant when compared with the interests shared equally by all' (p. 17). I don't see that this implies that relative educational levels are not important. For example, let us take one interest 'shared equally by all' - to live in a relatively unpolluted environment. A decision is to be taken about controlling local pollution. If I know a lot about the causes of the pollution, and you are ignorant about them, then clearly it will be in both our interests if my voice is heard rather than yours. For example, if there was a vote on clearing up a particular factory's emissions, which I knew (correctly) could likely best be combated by particular measures, whereas you had no idea about the pollution or the appropriate measures, then it seems absurd, on the grounds of our common interests in a clean environment, to give both our votes equal weight.

Crucially, I find it hard to see how this has any impact on the issue of human *dignity*. How does the possession of human dignity by all (which we are assuming *ex hypothesis*) lead us to want to override the issue of competence in a democracy? For

example, when we considered pollution above, is it more in line with respecting someone's dignity if we allow them to make a decision about which they are not competent to make, or if we ensure that only those who are competent to make the decision do so? John Stuart Mill suggests that: 'No one but a fool, and only a fool of a particular description feels offended by the acknowledgement that there are others whose opinion, and even whose wish, is entitled to a greater amount of consideration than his. To have no voice in what are partly his own concerns is a thing which nobody willingly submits to; but when what is partly his concern is also partly another's, and he feels the other to understand the subject better than himself, that the other's opinion should be counted for more than his own accords with his expectations, and with the course of things which in all other affairs of life he is accustomed to acquiesce in. It is only necessary that this superior influence should be assigned to grounds which he can comprehend, and of which he is able to perceive the justice.' (Mill [1861] 1972 pp. 307-8).

If this line is taken, then the justification for democracy on the grounds of political equality - at least as given by Cohen - would not rule out the need for a PPC. And I suggest that the argument given by Cohen contains the crucial features of any argument about political equality, that we all have a certain quality or capacity by virtue of being human which needs to be respected (see Graham, K. 1987 pp. 39 and 54).

We now turn to consequentialist arguments to see if they can be used to rule out a PPC.

*Overriding a PPC? the educative function of democracy*

Democracy is justified by some because of its important 'educative function'. Historically this argument has been associated with John Stuart Mill. We find Mill ([1861] 1972, chapter 8) deliberating about the issue of extending the franchise in the United Kingdom. At first it seems as if he is arguing against anything resembling a PPC: it would not be expedient to limit the franchise on grounds of education of the intelligence and of the sentiments, he writes, because voting is in itself an educative experience: the 'exercise of political franchises by manual labourers' is 'a potent instrument of mental improvement.' (p. 300)<sup>24</sup>. So it seems as if he would be against any notion of competency testing. However, qualifications<sup>25</sup> soon emerge to modify this position. The first is that he regards 'it as wholly inadmissible that any person should participate in the suffrage without being able to read, write and ...perform the common operations of arithmetic' (p. 303). So basic literacy and numeracy are to be tested before the franchise can be extended: 'No one but those in whom an *à priori* theory has silenced common sense will maintain that power over others, over the whole community, should be imparted to people who have not acquired the commonest and most essential requisites for taking care of themselves; for pursuing intelligently their own interests, and those of the persons most nearly allied to them' (p. 303).

But why stop at literacy and numeracy? Fundamentally, Mill stops at prescribing

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<sup>24</sup> He suggests that American people, everyone of them a person of 'cultivate intelligence', lend support to this thesis.

<sup>25</sup> literally!

other curriculum content for *contingent reasons only*: he accepts that his argument could be extended further to other types of knowledge necessary to the suffrage: 'some knowledge of the conformation of the earth, its natural and political division, the elements of general history, and of the history and institutions of their own country.' (p. 304). But crucially: 'these kinds of knowledge, however indispensable to all intelligent use of the suffrage, are not ... accessible to the whole people; nor does there exist any trustworthy machinery for ascertaining whether they have been acquired or not.' (p. 304).

So if it were possible to have a minimum adequate education for all, say, and national competency testing, then he would be in favour of restricting the franchise: 'If there existed such a thing as a really national education or a trustworthy system of general examination, education might be tested directly.' (p. 308). As these things weren't available to him, he proposed tests of employment, etc. However, he would have to accept that, provided we could show the practical feasibility of our PPC and minimum education for all, *he would accept it* as a logical extension of his argument in favour of literacy and numeracy tests!

So the earliest exponent of an educative democracy is most clearly in favour of the equivalent of a PPC. It is interesting to see how Mill has been interpreted more recently, in particular how he has been used by a modern exponent of 'participatory theory', Carole Pateman.

Pateman claims J.S. Mill as one of her three theorists of 'participatory democracy'.

Mill, she says, 'fills out' Rousseau's theory so that it can fit into participation into a modern political system. Now she notes that Mill thought that participation should occur at a local level first, to prepare people for participation at higher levels (Pateman 1970 pp. 30-1). But she argues that he didn't follow his principles of educative democracy far enough and proposes an alternative solution to his system of plural votes<sup>26</sup>: instead of weighting votes in this way, Pateman argues that it would have been preferable for 'the maximum amount of opportunity [to] be given to the labouring classes to participate at a local level so they would develop the necessary qualities and skills to enable them to assess the activities of representatives and hold them accountable.' (p. 32). More practice at democracy is what is needed for those less qualified to participate, so that they can become better able to participate at the national level.

Now, is Pateman's alternative solution a better extension of Mill's ideas, and hence our way out of the need for a PPC? Actually it is hard to see how it is different in this crucial respect: for what Pateman is agreeing with is the proposition that some - in Mill's situation, 'labourers' - do not have an education adequate for participation in democracy. So therefore they should be allowed only to participate at a local level of democracy. After a suitable time at this participation, then they should be allowed to proceed to the higher levels of government participation. But then she herself is

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<sup>26</sup> For Mill also proposed that peoples' votes should be weighted according to their 'political intelligence' (Mill [1861] 1972 p. 306). He didn't want anybody to have no voice at all - provided they passed their basic literacy and numeracy tests, but then people should be grouped according to their abilities and the higher abilities given more voice (pp. 307-8). Interestingly, notice that Pateman doesn't mention Mill's initial literacy and numeracy tests.

proposing a test - *satisfaction of time* in participation at the local level. Only when people have passed that test should they be allowed to participate in higher-level politics, she says. It seems only a very minor extension to this to ask that the test should not only be of time-serving, (which seems a bit arbitrary), but also to ensure that the relevant skills, knowledge etc, had also be learnt through local participation. If the participation at the local level is supposed to be educative, authorities would, it seems, be justified in asking whether or not the individuals were achieving the appropriate education as their participation increased, and before graduation to the higher levels of participation were permitted.

I suggest, then, that Pateman's argument doesn't seem to be able to override the outcomes of Mill's deliberations on these matters. The justification for democracy on the grounds that it fulfils an educative function can be used to reinforce, rather than undermine, the notion that a PPC is needed.

*Overriding a PPC? the promotion of individuals' interests*

Graham asks: why are human beings important? Because 'each individual human being has interests which they can express and which they have a right to pursue' (Graham, K. 1987 p. 21). It is because of this factor that we are led to the need for democracy, because 'only the individual can know where the shoe pinches' (p. 21). Graham notes some general difficulties with this. Firstly, and informally, the notion that a person's interests can be established by observing their expressed preferences is brought into question by the fact that people can and do change their minds. 'If I hold conflicting views at different times about where my interests lie, then at least

sometimes I must be wrong' (p. 22). Moreover, we often, as observers, foresee that someone is making a decision, a choice of career or partner, which is not likely to be in their best interest. More theoretically, we can challenge the interests argument in a Kantian way: 'preferences or desires are themselves a species of judgement ... therefore amenable to criticism in the light of what is reasonable, and that in consequence it is perfectly possible for someone to make *mistakes* in their preferences' (p. 22). But even so, it might still be countered that, although not infallible, individuals probably have 'a better knowledge than some unknown and remote person in a position of great power over them. In any case, it might reasonably be felt that only they themselves can safely be relied upon to *pursue* their interests' (p. 23). It is these sorts of considerations which lead to the demand for democracy for the satisfaction of interests, rather than some other imposed decision.

However, we can note that none of this would seem to contain arguments against a PPC. For if it is an important question how it can be known that individuals really 'know where the shoe pincheth', then it would seem that a PPC would be a useful mechanism in this regard. In making political decisions, sometimes I might question my own ability to make the appropriate decision. If I knew that I had passed the test which was deemed a necessary condition for being able to make such decisions, then I would feel better qualified to make those decisions. Looked at from the point of view of 'the state', it would seem that with a PPC, then there is a clear way of recognizing that people genuinely do have the expertise that is claimed for them by the interests argument. In both cases, then, a PPC would seem to be consistent with the justification for democracy.

*Overriding a PPC? the promotion of the general interest*

Similar comments about individuals' interests would seem to apply even more strongly here. The argument that democracy best promotes the *general interest* is an especially fraught area. The crude claim is that, whereas the 'rule of the few will produce government in the interests of the few, the rule of the many will produce government in the general interest' (Lively 1975 p. 112). Now, does this 'general interest' emerge (a) spontaneously by the mere act of voters expressing their own personal or sectional interests? or (b) by individuals choosing to consider the general interest when voting in a democratic process? I suggest that (a) - an 'invisible hand' process - is unlikely to be the reason adopted by the political 'left'. For democratic control is explicitly contrasted with the selfish control that individuals can exercise through markets (see e.g. Jonathan 1990, Ball 1990a).

So (b) is the likely position that the political left would adopt. However, the isomorphism between the majority vote and the promotion of the general interest would then seem to be reinforced rather than undermined if it were known that those voting had competence in relevant knowledge and skills to the issues being voted on. It is clearly 'in the general interest' if those who are able to make decisions which affect 'the general interest' are suitably assessed, by means of a PPC, to ensure that they are competent to make such decisions. So this justification for democracy doesn't seem to be inconsistent with the need for a PPC either.

*Overriding a PPC? the promotion of liberty*

The final justification for democracy considered here is that democracy promotes (or



best promotes) liberty. So the instigation of a PPC would seem to have the opposite effect, of countering certain peoples' liberties, to vote for instance, so would be undesirable and ruled out. Now it is well-known that there are two interpretations of liberty - the 'negative' and 'positive' views (see Berlin 1969). The 'negative' view says that freedom in civil liberties is of paramount importance, that is, 'freedom of speech, assembly and association, liberty of thought and conscience' (Graham, K. 1987 p. 38). The role of the state is to ensure that these liberties are protected from intervention by other humans or agencies, and that is all. The 'positive' view, however, sees this as a very restricted form of liberty, and notes that there are many social and physical conditions which people need in order to live and to thrive as autonomous agents; moreover, it is the role of governments to ensure that these conditions are met, as well as the protection of negative liberties. Graham argues for an integration of the positive/negative liberty dichotomy: He defines liberty as 'the absence of constraints, of whatever kind, on rational action' (p. 47).

Now, those arguing from the political left are not usually concerned with, indeed, are antipathetic to, the notion of liberty conceived in the purely 'negative' sense (see for example White 1990, Raz 1986). They are much more likely to argue for the 'positive' view, or some variation on this. The positive view of liberty requires that certain material conditions are necessary for a person to have freedom to follow his or her chosen projects. But, 'generally speaking, the provision of these means of life is a relatively complicated business in our society, calling on the effort and co-operation of large numbers of people.' (Graham, K. 1987 p. 49). So for freedom, in this view, a person needs the organisation of society to be such as to provide him or

her with the material basis of freedom. Put in terms of education, a person will need society to provide *everyone* with, at least, a curriculum for autonomy, to enable all to choose projects and follow them through to fruition (see Raz 1986, White 1990) - this is further discussed in chapter 4.

Now, if, as proponents of this position also argue (see chapter 5), this curriculum is to be decided upon through the democratic process, are there any dangers with so doing? One obvious danger is that democratic control of the curriculum could lead to *any curriculum whatsoever*. We cannot say, *a priori*, that it would lead to a curriculum for the promotion of autonomy. But if there were improvements to voters' intellectual and dispositional qualities, and safeguards to ensure that those voting on important issues actually had these qualities, then this danger could be alleviated. In other words, it would seem *favourable* to this justification for democracy if a well-designed PPC was instituted. Conversely, provided that there were safeguards in place to ensure that all had 'equal' opportunity to obtain their PPC, and that the examinations were fair and free from bias, then this would *not* seem to undermine each individual's positive liberty. So again, this doesn't seem to be a useful argument against a PPC.

Having shown that each of the considered justifications for democracy seem at least consistent with the need for a PPC, we are in a position to return to our 'reductio ad absurdum' argument, to see what conclusions can be drawn relating education for democracy, markets and the state.

### 3.7 *Education for Democracy, markets and the state*

In this chapter we examined a possible argument against West's market model that it wouldn't supply education for democracy for all. Consideration of West's brief discussion concerning education for democracy made us particularly interested in adjudicating between the claims of those who wanted to see education for democracy made compulsory by the state, and those who were happier leaving this to non-state mechanisms. West fitted into the latter category.

We stated two propositions which spelled out the need for the state promotion of education for democracy:

- 1      that some, or all, of the state's citizens need an 'education for democracy' to be able to effectively participate in democracy, (over and above that which they or their relatives are able to provide);
- 2      a state-promoted compulsory education for democracy is needed to ensure that all 'receive' the required education for democracy;

The second proposition trivially implied proposition three:

- 3      that state intervention in this regard is efficacious;

We then noted that there were likely to be many contingent objections to proposition 3 (and also the second half of proposition 2); however, we sought non-contingent

objections to it, which would enable us to arrive at more positive conclusions in the context of this philosophical work. One argument was postponed until chapter 6, relating to the problem of collective action (or the 'public goods dilemma'). The second argument took the first two propositions, and showed that together they also implied the conclusion:

- 3\*      the democracy should employ 'fitness tests' to determine membership of the voting 'demos'.

We then argued that none of the justifications for democracy seem to be inconsistent with this conclusion; hence we can assume that, at least given those justifications which the 'left' would be amenable to, there doesn't seem to be anything to rule it out. But now we see that propositions 3 and 3\* can be interpreted as being in contradiction. For we spelled out the notion of 'efficacious' in terms of 'improving democracy, by promoting the ability of citizens to participate in democracy'. But in whatever way we had spelled out the notion, I suggest that if state intervention in the curriculum for democracy leads to the logical implication of needing 'fitness tests' for democratic participation (proposition 3\*), then this will contradict the notion that state intervention is *efficacious* (proposition 3): fitness tests, for many, will be seen as 'illiberal', and will be seen to be doing precisely the opposite to 'improving democracy'.

If this position is accepted, this argument points to another non-contingent argument

against state education for democracy, because we have arrived at what will be (for some at least) a contradiction between proposition 3 and proposition 3\*; hence we will need to reject one of propositions 1 and 2.

Should we reject that education is needed for participation in a democracy, (proposition 1) or that it should be made compulsory by the state (proposition 2)? We will look at both these possibilities shortly. However, before doing so, we note that some might not accept that there is any contradiction in the argument: they will be, if not happy with, then at least willing to accept, the notion of fitness tests for participation, arguing that these have no implications for discussion of improvements to democracy - in the same way that many were happy to accept the conclusion of LaFallotte's in relation to licensing parents. Even if fitness tests for democratic participation seemed 'illiberal', they do not appear to be 'undemocratic', at least not within the justifications considered here. Hence another possible conclusion to this discussion is that a state-promoted education for democracy *is* needed and desirable and that there is no contradiction between 3 and 3\*; hence an education for democracy could be the basis for fleshing out West's minimum 'adequate education for all'. Crucially, this conclusion, however, could only be held by someone *willing to endorse some form of competency-testing for democratic participation*. If someone was not willing to accept that, then they would be, according to my argument, guilty of inconsistency.

Now, for those who don't accept this position, who accept the contradiction noted

above, which of the first two propositions should we reject? One challenge<sup>27</sup> to the *first* proposition would be to argue that people *can* make the necessary political judgements in a democracy without specific education. There seem to be at least two ways in which this could be argued. One way would be to take a recognizably 'Schumpeterian' position on democracy. Here it is assumed that voting 'permits the rejection of candidates or officials who have offended so many voters that they cannot win an election', but nothing more is expected of it (Riker 1982 p. 242). This position suggests that the whole point of elections is to simply ensure a smooth transition of power, and to ensure that governments can be rejected if they commit political excesses. Citizens of the democracy don't have to make informed political judgements, but only be able to recognize if a government is not delivering the goods. This interpretation of democracy will be discussed further in chapter 5 when we examine democratic control of education and improvements to democracy. There it will be shown to be a reasonable course to take. Moreover, someone following this way out of the argument will still not have found any fleshing out of West's 'minimum adequate education for all'.

A second way of arguing against the *first* proposition would be to argue that people have some capacity *without* a specific sort of education to make political judgements. This would then rule out the need for education for participation in democracy. This is the position of Ronald Beiner, whose argument is not ultimately successful, I suggest, in showing what it set out to achieve; it is explored in Appendix 2.

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<sup>27</sup> Apart from the empirical challenge noted earlier.

Alternatively, we can reject the *second* proposition, that education for democracy needs to be *state-imposed*. A person who sought this way out would then look for improvements in democracy, recognise that better education for democracy was desirable, but *not* seek to *impose* this through the state on children, instead seeking to bring it about through the kind of voluntary mechanisms mentioned earlier. A person following this argument would again not have found any fleshing out of West's 'minimum adequate education for all'.

So, the argument here is that, only if it is argued that there is not a contradiction between 3 and 3\*, are we any closer to deciding what should be the curriculum content for West's minimum adequate education for all. If the contradiction is accepted, then we would have to conclude that education for democracy *would not* provide a fleshing out of the curriculum for West's minimum adequate education for all. Hence, in this case, then we would still need some further discussion of what the minimum level of curriculum would be - to which we shall now turn. A related suggestion put forward for a minimum adequate education for all is that of an education for autonomy (White 1990, O'Hear and White 1991). Now clearly this is related to the issue of education for democracy, but is much broader. For the arguments, as we shall see, are that education for autonomy is needed not simply for democratic participation, but in order to live the 'good life' at all. It is to this issue of education for autonomy that we turn now.

## *Chapter 4 Education for Autonomy and the Curriculum for West's 'Minimum Adequate Education'*

### *4.1 Introduction*

In chapter 2 we saw that West's notion of a 'minimum adequate education for all' could overcome the criticism that his market model wouldn't satisfy equality of opportunity. We then turned to the job of examining what the curriculum content of that education might be. Thinking of the curriculum in terms of 'education for democracy' was problematic, in that there seemed to be illiberal consequences of it - and these illiberal consequences we found hard to rebut even after considering several justifications for democracy. However, we noted earlier there is a related notion which we might find could serve as the basis for a minimum adequate education for all, namely 'education for autonomy'.

The chapter begins by examining the argument of John White, who has been the chief protagonist in England & Wales for the need for a national curriculum for the promotion of autonomy for all. We arrive at certain difficulties with using his arguments for a state-promoted compulsory curriculum for the promotion of autonomy. The suspicion is that White's or any other, national curriculum might actually undermine, rather than promote, autonomy. However, the discussion of this is by no means conclusive, and in order to strengthen the argument, we proceed by examining the foundation of White's claims, the justification for state involvement in the promotion of autonomy. It transpires that White's argument owes much to Joseph Raz,



whose arguments take up the remainder of the chapter. Raz's study (1986) argues that personal autonomy is so important that the state is justified in coercing citizens to promote it. We examine first his negative arguments against those who seek a minimal role for the state, (hence who would be against state promotion of autonomy), and find these arguments not wholly convincing. We then move on to address Raz's arguments in support of state promotion of autonomy, giving flesh to them in the context of a state-promoted curriculum for autonomy. Again, we find Raz's position not convincing - in particular because of the epistemic argument concerning markets.

Hence this chapter concludes that the argument from education for autonomy, as with the argument from education for democracy, does not supply us with an adequate 'fleshing out' of the curriculum for West's 'minimum adequate education for all'.

#### 4.2 *White on a compulsory curriculum for autonomy*

John White has been at the forefront of the philosophical debate about the introduction of a national curriculum in England & Wales for two decades. The compulsory curriculum he advocates is that which is necessary for the promotion of autonomy. White argues that for an individual to become autonomous, 'one needs to have acquired various capacities, dispositions, and types of understanding. If a government is committed to the promotion of autonomy for everyone, its aim must be that everyone should be educated to enable them to exercise it.' (White 1990 p. 23). This is his justification for government intervention in a specific compulsory curriculum. White's philosophical argument is taken further in a policy-oriented publication for the Institute for Public Policy Research (IPPR), co-authored with Philip O'Hear (O'Hear and White 1991). There, the details of the curriculum proposals for autonomy are worked out in more detail.

In the context of this thesis, there is not space to explore White's notion of autonomy<sup>1</sup>. We are concerned with the implications of accepting the proposition that

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<sup>1</sup> Very briefly, White notes that in our society, or similar societies, with 'a liberal democracy built around an advanced industrial economy' (White 1990 p. 21), then personal autonomy is important in the way that it wouldn't necessarily be in a traditional society. Personal autonomy is related to the concept of 'positive freedom': 'negative liberty is desirable not in itself, but as a requirement of positive liberty - that is, of one's leading a life which one has autonomously chosen to lead.' (p. 22).

He gives more shape to the concept as follows: 'One is more autonomous the more one's life is not determined by factors outside of one's own choices' (p. 75); 'Autonomous individuals live self-determined lives. They choose their major ends and decide what relative weight to give to each... people choose what job they will do, where they will live, whether they get married, how to spend their free time, whether to give to charity, what clothes to wear, etc.' (p. 82). He doesn't want this to be

the state should be involved in the promotion of autonomy. Hence we take White's position on autonomy as given, and ask what follows from this in terms of state involvement.

*White on state promotion of autonomy*

White<sup>2</sup> argues that the state has a role in three areas in the promotion of autonomy, the third<sup>3</sup> of which is most germane for our present purposes: 'in order to become autonomous one needs to have acquired various capacities, dispositions, and types of understanding. If a government<sup>4</sup> is committed to the promotion of autonomy for everyone, its aim must be that everyone should be educated to enable them to exercise it.' (White 1990 p. 23). This is the argument I want to challenge. If it is agreed that autonomy is valuable, even an aim of education, must we also agree that government is justified in intervening to ensure that it is promoted for everyone?

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stretched to the extreme however: he is not recommending that we be 'radical choosers' attaching excessive weight to negative liberty. Instead he insists that we choose within the cultural context of our upbringing, 'shaped from birth onwards by ...parents and other teachers' (p. 82).

Education for autonomy requires the knowledge and understanding of issues to do with religion and society, and science (p. 23); dispositions of character such as 'independence of mind, resoluteness and courage', in order to 'withstand possible manipulation or coercion by others' (p. 23); and attitudes towards other people.

<sup>2</sup> Following Raz (1986) as we shall see below.

<sup>3</sup> The first area is to enable citizens who have acquired their autonomy can exercise it; secondly, the state can help ensure that there are a range of options for people to choose from (p. 23).

<sup>4</sup> Note that White - and as we shall see, Raz - uses 'government' and 'the state' interchangeably.

In this section, I raise two main reservations, which cast doubt upon the enterprise of state involvement in this area. These are the issues of, firstly, whether a state-controlled curriculum for autonomy will have a detrimental impact on the autonomy of schools and teachers, and hence, of students; and second, whether other autonomy-promoting institutions of civil society will be undermined by this 'curriculum for autonomy'.

**a      will a state controlled curriculum undermine the autonomy of schools, teachers, and hence students?**

White is at pains to stress that his curriculum proposals, *unlike* the current National Curriculum in England & Wales will not restrict the autonomy of schools too much: in the policy-oriented IPPR pamphlet he writes, with O'Hear, that their curriculum 'will give considerable powers back to the schools' (O'Hear and White 1991 p. 11). However, whatever they might *want* to be the case, will power be devolved to schools in practice? One problem arises when *controversy* occurs in democracies.

Firstly, we can say that the elements of an 'education for autonomy' *are* likely to be controversial: for example, White and O'Hear's curriculum depends upon the development of personal qualities. But have they adequately located all those, and only those, qualities necessary for autonomy? For example, is their 'temperance' a necessary condition for an autonomous person? Or should we forgo the label of autonomous if we fail to reach 'contemplative reflectiveness ... on our existential characteristics as self-conscious creatures aware of our mortality'? (O'Hear and White 1991 p. 13). This is further reinforced when one considers the critical reaction which

White's recent work has received (see for example Carbone 1993 or Purpel 1992; or compare White 1990 pp. 95-98 with Callan 1988), and also the critical debate around the notion of autonomy as an educational ideal (see in particular Dearden's 1975 *reductio ad absurdum* of the concept). There is no need here to engage in the controversy, only to point out that the controversy about the nature of autonomy, and of education for autonomy, exists.

Secondly, it is this kind of controversy which is likely to have an undesirable impact in a democracy. Because of the problem of political uncertainty, those who win political power have it guaranteed only for a short time, creating an incentive to insulate policies from future democratic control. This creates incentives to avoid discretionary aspects of laws: 'The best way for groups to protect their achievements from the uncertainties of future politics, therefore, is through formalization: the formal reduction or elimination of discretion, and the formal insulation of any remaining discretion from future political influence.' (Chubb and Moe 1990 pp. 42-3). Put in terms of a compulsory curriculum, these pressures are likely to lead to committees going for a *highly prescribed curriculum*, precisely the detailed prescription that White and O'Hear say they will avoid.

The need for compromise is also relevant here. The committees set up to formulate a national curriculum for autonomy are likely to consist of people from varying political backgrounds. But compromises are 'agreements among contending, often mutually suspicious, sides that can easily come apart over time if they are informal and subject to discretion.' (Chubb and Moe 1990 p. 44). Opposing groups can insure

against these dangers by putting 'everything in writing, down to the last detail, and make it legally enforceable - to formalize the agreement.' (p. 44). Chubb and Moe give an example of a 9-page federal government statute for aid to disadvantaged students generating 174 pages of statutory amendments. Similarly, Lady Thatcher herself bemoaned the excessive detail that emerged from the committees she set up (Thatcher 1993 pp. 593-597). This explosion of detailed prescription is, I suggest, exactly what would happen to White and O'Hear's proposed leaner national curriculum, exactly as happened with the current National Curriculum. The explosion of detailed prescription leads to undermining of teacher autonomy, which is likely to lead to negative lessons for students, for 'children learn by example and are more likely to acquire a taste for the autonomous life from people who themselves embody it than from the hemmed-in functionaries within an authoritarian system.' (White 1990 p. 132).

**b      will a curriculum for autonomy undermine other autonomy-promoting institutions of civil society?**

The second reservation worth exploring is, whether, by prescribing a compulsory 'curriculum for autonomy', other autonomy-promoting agencies in society will be undermined. For White argues that 'the content of education embraces more than the timetabled curriculum. At its broadest, it includes what children learn from their parents and the media.' (White 1990 p. 142). Much of the 'education for autonomy', he suggests, *could* be, and *is likely* to be, learnt out of school - in the 'home, at school and in the community' (O'Hear and White 1991 p. 11). Now in the rarefied atmosphere of the academic book, White went on to argue that 'there needs to be state

regulation not only of timetabled activities, but also of educational vehicles such as these' (White 1990 p. 142). However, these suggestions are dropped from the IPPR pamphlet. But this means that a great deal is being crammed into the *school* curriculum that it seemed White, in his earlier work at least, didn't really believe should be there.

However, if legislation insists that the education for autonomy has to take place in schools, then two things follow. First, students might not get a very good 'education for autonomy' if it is transposed from the other institutions of civil society to schools, because schools might not be conducive places in which to obtain it: classrooms might be too large, for example, or teachers not suitable people to talk over issues with; or compulsory curriculum subjects or themes might alienate students. But secondly, and most significantly, not only might children be receiving an inferior 'education for autonomy' than that obtained in the other institutions of civil society, these other institutions *might themselves become undermined*. For example, if many of the personal qualities listed are assumed to be the school's responsibility, children might consult or confide in their parents less. Or parents might feel that it is not their role to instill these qualities in their children, because it is by law the school's role. Or educational experts might warn parents that their 'common sense' parenting methods were not good enough, and so it was best to leave such education to school<sup>5</sup>. Similar comments could apply to the other autonomy-promoting institutions of civil society.

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<sup>5</sup> The latter two comments are not at all far-fetched - they have both happened in the case of reading and sex education.

We could consider this further in the more abstract context of West's market model. Suppose in that society as outlined in chapter 1, it was decided that the state had a legitimate role in the promotion of autonomy through education. The government would do its analysis of what an education for autonomy should be, and conduct inspections to determine whether there are some people not getting this education for autonomy. It would then intervene to provide the education for autonomy on behalf of these people. Would this action, purportedly on the grounds of the promotion of autonomy, have any effect on the autonomy, either in these people, or of people in the wider community?

Clearly, those now receiving this education at the behest of the state are freed from one restriction on their autonomy - the lack of such an education - but have come under another tutelage which also restricts their autonomy - they are dependent on the state for something important to their autonomy. Clearly, as a short term expedient, they might initially prefer this loss of autonomy over ignorance, or might come to prefer it as they become more autonomous. But this brings in a bigger problem: they, and people in general, might begin to take this state provision for granted. Instead of seeing the education of themselves and their children as a requirement of their own autonomy, individuals might begin to see it as part of the responsibility of the state towards them. These children begin to take education for granted, and expect things to be given to them from the community, rather than that there should be reciprocal giving. It could be the beginning of a 'culture of dependency'.

This might not be of such concern if the state successfully did the job of promoting



autonomy through its educational system. But if its methods were not efficacious, or if it swayed from its commitment, then the situation could arise where individuals had lost either their sense of responsibility to educate their children or themselves, or the ability to do this, and where, crucially, the state itself was also failing in its duty. For example, it could be that the state's preferred option of education through schooling was not particularly efficacious in promoting autonomy, in that these schools became parasites on the community, taking resources but giving nothing in return. Or, as noted earlier, this schooling could also be a cause of the undermining of families and of communities. Schools could 'separate parents and children from vital interaction with each other and from true curiosity about each other's lives'; they could 'stifle family originality by appropriating the critical time needed for any sound idea of family to develop - then ... blame the family for its failure to be a family' (Gatto 1990 p. 74).

So the state's preferred approach could have this negative autonomy-undermining outcome.

Moreover, some parents might rather like the idea of not having to exercise their autonomy in the giving of thought and resources to procure educational opportunities for their children. With the sure knowledge that the state will intervene to ensure that their children don't suffer, such individuals, instead of providing educational opportunities, can spend their money and energy on luxuries, and await the arrival of their 'education for autonomy' coupons. So where people were previously autonomous, the intervention of the state could make them less autonomous. In turn this could lead to a vicious cycle of more and more people claiming benefit, higher and higher taxes, and less wealth creation leading to less autonomy for everyone.

Moreover, the altruism and autonomy of the community at large might be affected. Previously, in West's model society, it could well have been that when lack of educational opportunities for autonomy were noted, individuals within the community banded together to provide these opportunities for those families who fell on hard times, until times got better. Now that the state swoops in whenever lack of educational opportunities are detected, and now that they pay their taxes, people in the community are less inclined to help.

Returning from our discussion of West's abstract model, the upshot of all this is that there seem to be difficulties with White's proposals. Paradoxically, the proposed 'education for autonomy', because of its controversial nature, could have the effect of firmly curtailing the autonomy of teachers, schools, and hence, of students. Moreover, focusing all the attention on schools as places for the promotion of autonomy might actually serve to undermine autonomy, by undermining other institutions that already serve it, or that could be strengthened to better promote it.

These arguments raise doubts, but I am not suggesting they are compelling. A compulsory curriculum for autonomy *might not*, in fact, be a very good way of promoting autonomy, hence the proposed curriculum for autonomy might not be a suitable vehicle to flesh out West's 'adequate minimum education for all'. But these are doubts, nothing more substantial. Perhaps we could find more substantial support for or against White's curriculum for autonomy by examining arguments as to why the state should be involved in promoting autonomy in the first place? Indeed, if these arguments are powerful, then in themselves they might provide an argument

against the limitations on the state in West's market model.

*Justification for state promotion of autonomy*

So what are the arguments that White uses for justifying the state promoting autonomy in this way? White has only a brief argument on this issue. He argues against the notion of a *neutral* state, 'in refusing preference to some ideals of life over others, [the state] overlooks the fact that it is tacitly presupposing the value of personal autonomy. ... Why, after all, should it be thought desirable to avoid entanglement in different conceptions of the good? Why should one try to ensure that one conception is not favoured over another? The root anxiety here seems to be that non-neutrality brings with it the danger of *imposing* one way of life rather than another. But this is only an anxiety for someone who is already wedded to the view that individuals should freely determine their own way of life, i.e. for someone who already places a high value on autonomy.' (White 1990 p. 22). This argument has several difficulties. Firstly, the anxiety that White mentions, of imposing one way of life, is only one of the anxieties of liberals about state intervention in these matters (we will come to the others in the sequel). Secondly, however, one can still be convinced in the high value of autonomy and yet not want the state to impose one way of life through coercion. This is Nozick's position, and as we shall see below, it transpires that Raz too has some sympathy with this. So White's arguments are not enough to counter uneasiness about the state promoting autonomy.

Now although White's argument on the justification for the state involvement in the promotion of autonomy is brief, it transpires that his work is explicitly influenced by

Raz (1986); and turning to this work, we find that a considerable part of *it* is devoted to defending why the state should be involved in the promotion of autonomy. So in that work can we find a substantial argument to this effect, which will ground White's argument for a compulsory curriculum for autonomy?<sup>6</sup>

Raz's (1986) work can be interpreted as offering both a positive case *for* state promotion of autonomy, and also a negative case challenging those who would argue that the state should *not* be involved in this way. The *negative* case involves two arguments: Firstly, there are the arguments against individualistic rights, aimed at overriding liberal scruples about the state coercing citizens, and permitting it to create, using coercion if necessary, the conditions for autonomy (Raz 1986 part III). Secondly, there are the negative arguments against a minimal or neutral state. These concern the anti-perfectionist doctrines of the neutral state and the exclusion of ideals. Undermining these arguments leaves room for the perfectionist doctrines that Raz wants to promote (part II). The *positive* case for the state promotion of autonomy uses a combination of Raz's 'principle of autonomy', his 'harm principle' (part V), and the arguments for the authority of the state (part I).

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<sup>6</sup> Note the great importance of Raz's work for classical liberal thinkers: the philosopher, John Gray, for example, seems to have been weaned off classical liberal ideas in part at least because of Raz's work. Gray writes: 'Raz's critique is of the utmost importance, partly because ... it encompasses a restatement of liberalism in which its dependency on individualism is removed. Raz argues, so far as I can see demonstratively, that no political morality can be rights-based, ... that egalitarian and libertarian political principles have no claim on reason. ... A liberal state, according to Raz, cannot be a state that is neutral about the good life, if only because liberal freedoms take their value from their contribution to the good life.' (*Times Literary Supplement* July 3 1992 p. 15; see also Gray 1989 p. 233 where he praises Raz's 'masterly study'). These remarks suggest that for any classical liberal exploration, detailed attention must be paid to Raz's arguments.

In the context of this thesis, clearly the positive case is the most important: however, the negative arguments aimed at demolishing the case for a minimalist state could easily be translated as arguments challenging West's market model. As we noted, such a challenge could completely undermine the assumptions on which his model is based, and undermine it, moreover, from a perspective which some classical liberals have had sympathy with. So these arguments need also to be, albeit briefly, considered.

### 4.3 Raz on the state promotion of autonomy: negative arguments

#### *Raz against moral individualism*

Raz's first argument aims to undermine 'moral individualism' in order to allow for the promotion of 'collective goods' to be a legitimate concern of the state. The notion of 'moral individualism' which he uses holds that there are inviolable human rights which governments cannot infringe. Hence, any measures by the state to promote the conditions of autonomy, as Raz requires, would be more or less bound to impinge upon these rights, through *inter alia* the coercive measures of the state. Raz wants to avoid giving his opponents the objection of appealing to these rights against coercion:

'It is wrong to identify autonomy with a right against coercion, for example, and to hold that right (i.e. the right against coercion) as defeating, because of the importance of personal autonomy, all, or almost all, other considerations ... The provision of many collective goods is constitutive of the very possibility of autonomy and it cannot be relegated to a subordinate role, compared with some alleged right against coercion, in the name of autonomy' (Raz 1986 p. 207)<sup>7</sup>.

So Raz wants to undermine individualistic right-based theories. With these undermined, then 'the confrontational view of morality which pitches a person's own interests and goals as ... occasionally in conflict with his obligations to others' (p. 216) is thrown out. Hence 'collective goods' can 'provide the source both of personal goals and obligations to others.' (p. 216).

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<sup>7</sup> Note that Gray (1992) favourably quotes this passage when he lays out his ideas for social democracy and the 'enabling welfare state'.

First, some definitions. Raz means by a 'collective good' a special type of public good: 'A good is a public good in a certain society if and only if the distribution of its benefits in that society is not subject to voluntary control by anyone other than each potential beneficiary controlling his share of the benefits.' (p. 198). Some public goods are such *contingently*: 'Water supply in a certain town may be a public good if the water pipe network does not allow for the switching-off of individual households. But ... it is possible to change the supply system to enable control over distribution.' (p. 198). However, 'collective goods' are defined as *inherent* public goods (p. 199), goods which are public goods in any conceivable society. Now, are there any inherent public goods? Raz thinks there are: 'General beneficial features of a society are inherently public goods.' (p. 199). For example, collective goods include a tolerant society, an educated society, or a society infused with respect for human beings. Finally, he defines an 'intrinsically valuable good' as one which is 'valuable independently of the value of its actual or probable consequences, and not on account of any consequences it can be used to produce or to the production of which it can contribute causally.' (p. 200).

Raz's argument is that:

- 1 Individualistic moral theory holds that no collective goods have intrinsic value (p. 198).
- 2 *If* having an autonomous life is an ultimate value, *then* having a sufficient range of acceptable options is of intrinsic value (p. 205).
- 3 The existence of many options depends upon certain social conditions (p. 205).

- 4 Some of the social conditions which constitute such options are collective goods (p. 206).
- 5 These collective goods are intrinsically valuable (p. 206).

Hence Raz argues that 5 and 1 together show that individualistic moral theory is contradicted.

However, if we go back to step 1, we find a weak link in the argument. Who says that 'individualistic moral theory holds that no collective goods have intrinsic value'? Raz says so. This is his *definition* of an individualistic moral theory: 'A moral theory will be said to be individualistic if it is a humanistic morality which does not recognize any intrinsic value in any collective good. ... collective goods have instrumental value only.' (p. 198). He invites us (twice, p. 198 and p. 18) to consult Lukes for a broader discussion of individualism; if we do that, then we begin to question why Raz has focused on such a narrow definition. For example, we find Lukes noting that American individualism 'was the route to perfection - a spontaneous social order of self-determined, self-reliant and fully-developed individuals.' (Lukes 1973 p. 29). That is, in one interpretation, individualism was valuable in part because it led to the collective good of social order. Moreover, this isn't the only interpretation along these lines: Graham defines individualism as involving the notion that 'the value of collective goods must *ultimately be explained* by their value in the lives of individuals, and not for instance in the activities of states, nations or corporations.' (Graham, G. 1987 p. 482 emphasis added). He elaborates: 'If the proper explanation shows [collective goods] to have a constitutive and not merely an instrumental role in those



lives, this need do nothing to disturb the fundamental reference to individuals.' (p. 482).

Kymlicka argues in a similar way. In adjudicating between communitarianism and liberalism he notes that the former seem to have a very limited view of what the latter see as the role of the individual. Liberalism is not, he argues, wedded to the thesis that community does not have value in itself. It is concerned with how to achieve what is valuable, and neither denies nor asserts that what Raz would call collective goods are valuable in themselves (Kymlicka 1988 p. 193).

Finally, on the same theme, Buchanan suggests that there is simply no incompatibility between what he calls the 'liberal political thesis' - which is fundamentally a thesis of moral individualism (Buchanan 1989 p. 854) - and the communitarian thesis that community is a fundamental human good (p. 857). He suggests the idea that this is so rests on a misunderstanding of the liberal thesis: he agrees that it is silent about the role of community, and is framed in terms of the importance of individual rights. But its silence about community does *not* imply that it denies that community is 'a fundamental human good'. For this notion can be interpreted either psychologically ('that human beings strongly desire community') or normatively ('community is an important objective good for human beings.'). But as the liberal thesis is not a psychological theory, 'there is no reason why it should assert or deny the psychological importance of community' (p. 857). Analogously, 'since it is only a thesis about the proper role of government, why should it include a comprehensive catalog of objective human goods?' (p. 857). Furthermore, Buchanan argues that the

individual rights of moral individualism 'provide valuable protections for the flourishing of community.' (p. 858). Indeed, he is able to advance a 'nonindividualistic justification' for these individual rights: He notes that historically, totalitarianism has probably been 'the greatest single threat to communities'. It opposes communities because they can potentially liberate individuals' dependence upon the state. Consequently, totalitarian regimes have mercilessly undermined traditional communities including families and religious organisations. In contrast, 'we should regard the priority on individual civil and political rights usually associated with liberalism as the protector of community, even if the liberal political thesis is itself silent as to the importance of community in the good life.' (p. 858). For Buchanan, the debate between communitarians and liberals is about strategies, rather than the value of community: 'strategies rooted in different estimates of the relevant risks.' (p. 860). The moral individualist liberal is a pessimistic (or realistically cautious) communitarian, rather than a 'recklessly utopian' one.

In short, there are considerable voices ranged against Raz which would deny him the first step of his argument. For Raz is only able to demolish a certain interpretation of moral individualism, and other interpretations survive his argument very well.

But in any case, notice the crucial assumption that is creeping into his writing here<sup>8</sup>: for he seems to be arguing that not only are collective goods valuable - and we have argued that many moral individualists would also agree with this - but that this means

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<sup>8</sup> The assumption is apparent because Raz uses the terminology of 'public goods': see chapter 6 below.

that *the state needs to intervene in order to provide these collective goods*. This part of his argument we will explore - and raise doubts concerning its efficacy - in chapter 6, when we consider the 'public goods dilemma'. But for the purposes of the argument here, we can say that Raz has not succeeded in undermining the case in general against moral individualism.

#### *Raz against anti-perfectionism*

Raz's second set of arguments challenge theories that the state shouldn't be involved in any 'perfectionist' doctrines: the *exclusion of ideals* argument holds that 'governments should be blind to the truth or falsity of moral ideals or of conceptions of the good' (Raz 1986 p. 108); the *neutrality* argument is that 'governments must so conduct themselves that their actions will neither improve nor hinder the chances individuals have of living in accord with their conception of the good.' (p. 108). Raz concludes that he has dismissed both these arguments against perfectionism; I suggest that this is not the case, but that in fact he has left open the door to two possible neutral states, and only shown that in an *ideal* democracy, coercion is acceptable. Again, the arguments are important for us to address, for if they held they would severely challenge the fairly minimal state involvement of West's market model.

#### **a Raz against neutrality**

Raz examines three interpretations of Political Neutrality:

‘1 No political action may be undertaken or justified on the ground that it promotes an ideal of the good nor on the ground that it enables individuals to pursue an ideal of the good.

2 No political action may be undertaken if it makes a difference to the likelihood that a person will endorse one conception of the good or another, or to his chances of realizing his conception of the good, unless other actions are undertaken which cancel out such effects. [The principle of narrow political neutrality]

3 One of the main goals of governmental authority, which is lexically prior to any other, it to ensure for all persons an equal ability to pursue in their lives and promote in their societies any ideal of the good of their choosing.’ [The principle of comprehensive political neutrality] (pp. 114-5).

Raz claims that the first of these is Nozick’s position. Now Nozick himself questions, as Raz observes, whether the proposed minimal state is itself nonneutral with regard to its citizens: ‘After all, it enforces contracts, prohibitions on aggression, on theft, and so on’ (Nozick 1974 p. 272). But Nozick argues that this does not contradict its neutrality, illustrating this using an example of rape:

‘Not every enforcement of a prohibition which differentially benefits people makes the state nonneutral. Suppose some men are potential rapists of women, while no women are potential rapists of men or of each other. Would a prohibition against rape be nonneutral? It would, by hypothesis, differentially benefit people; but for potential rapists to complain that the prohibition was nonneutral between the sexes, and therefore sexist, would be absurd. There is an *independent* reason for prohibiting rape

... That a prohibition thus independently justifiable works out to affect different persons differently is no reason to condemn it as nonneutral, provided it was instituted or continues for (something like) the reasons which justify it, and not in order to yield differential benefits.' (Nozick 1974 pp. 272-3).

That is, Nozick's argument is that provided the state's reason for action is not specifically to favour one party or hinder another, but that it acts for an independently justifiable reason, then it is a neutral state. Raz dismisses this: in two sentences he concludes that 'Nozick's State is not neutral, and his principle (principle 1 above) is not a principle of neutrality' (Raz 1986 p. 116). In full, his dismissal reads:

'on the assumption, surely acceptable to Nozick as to most people, that the prospect of profit is a valid reason for most commercial activities it follows that selling arms to one of the combatants for profit does not jeopardize one's neutrality. One is not free to deny that when one's action actually helps one of the parties then the profit is not a valid reason, for that is to abandon the case' (p. 116)<sup>9</sup>.

I suggest that Raz's example does not show what it is intended to show. For what Raz is assuming is not so much that a government or commercial company is selling arms to one side, but that *it is not selling arms to the other side*. For it would be perfectly possible for the company or government to be selling arms to both sides in the

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<sup>9</sup> Note how Raz here seems to be conflating the neutrality of people, and the neutral state. Nozick is arguing about the neutral state, but this is lost when Raz writes that 'Nozick's case rests on the view that so long as *one* is not acting for the reason that one's action will favour one of the parties or hinder the other .... then *one's* neutrality is intact.' (p. 116 emphasis added).

combat, in which case we could, appealing to Nozick's principle, point to the 'independently valid reason' of profit-making, and argue that it is behaving neutrally. However, if it is only selling arms to *one* side, then, provided of course both sides have available sufficient hard-currency funds, credit ratings, and so on, then presumably the company or country must not be selling arms to the other side for reasons which have nothing to do with profit - for, *ceteris paribus*, profit is lost by not selling to both sides. Hence there must be political reasons why the company or country is not selling to one side, which *would* of course make its actions nonneutral. As soon as the company or country started to discriminate between buyers on grounds other than profit, then it would cease to be neutral, unless *another* valid independent reason could be found (for example, exports to the country were too risky, geographical factors, or currency problems, etc.).

Raz's example is not very good, and I am not so sure that Nozick's thesis can be so easily dismissed as being non-neutral. Anyway, Raz does consider it again, under the guise of having an 'anti-perfectionist bias', an examination we turn to in a moment.

Having dismissed the first definition of political neutrality, Raz then moves on to examine the second and third. But although he does rebut the third, the principle of Strict (Comprehensive) Political Neutrality, nowhere does he ever succeed in rebutting the second, the principle of narrow neutrality. Let us follow his argument through to show this.

Raz begins by setting out two arguments to challenge the notion that there can be

even an approximation to political neutrality. His first argument is as follows: neutrality 'is concerned only with the degree to which the parties are helped or hindered. It is silent concerning acts which neither help nor hinder.' (p. 120). So some argue that although 'one is morally responsible (i.e. accountable) for what one does, one is not morally responsible for what one does not do' (p. 120). Raz rejects this distinction. Not helping and hindering must be brought into the argument about moral neutrality. But immediately we must be suspicious that this argument will have anything to do with the ostensible subject of his chapter, *political* neutrality, because again we notice that he has slipped into the language of 'one' rather than speaking of 'governments'<sup>10</sup>. His example to illustrate this point confirms these suspicions: Uruguay had no relations with either Somalia or Ethiopia, two warring parties. But if one country is short of a militarily useful commodity, which Uruguay could have supplied equally to both, then he argues that '[i]f by not helping it Uruguay is hindering it', then we must conclude that Uruguay is not behaving in a neutral way, unless it starts providing the commodity to the country suffering from the shortage (p. 121). But again, this warfare example obscures what it is supposed to illuminate, by making assumptions about the legitimate activities of states. Let us unpick why this is the case.

Suppose Somalia, say, is short of the militarily useful commodity x, Ethiopia is not, and Uruguay has x in abundance. In normal commercial contracts, Somalia will seek x commercially, and if it has sufficient foreign exchange, then it will buy it from

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<sup>10</sup> Perhaps he has already done the groundwork for this in Part I on the authority of the states? We will turn to this in a moment.

commercial suppliers in Uruguay, or anywhere else. So in Raz's argument we have the situation where for some reason Somalia is not buying x from Uruguay - but we are not told why. There seem to be two broad reasons why it might not be doing so. Firstly, this could be because the government of Uruguay refuses to allow its commercial suppliers to sell x to Somalia for political reasons; in which case *clearly* it is not being neutral. No-one would surely dispute this. Secondly, however, it could be the case that Somalia doesn't have foreign exchange, doesn't have the information that Uruguay has x, or for whatever other reason is not seeking x from commercial suppliers in Uruguay. Raz suggests still that then the government of Uruguay is behaving in a non-neutral fashion, simply by virtue of the fact that it isn't going out and seeking to provide Somalia with what it needs. But this assumes that the state of Uruguay has the resources to go and seek out potential recipients of x, to ship it to them whether or not there is to be payment, and, crucially, *the political authority to do so*. The latter is most significant, because Raz's whole discussion is concerned with deciding about the neutrality of states. In such an argument it is seriously begging the question to assume that states do have such authority. For this reason alone, Raz's example fails to convince. We can't conclude, as Raz would want us to do, from this example that *political* neutrality is 'possible in some cases, but it may be impossible in others.' (p. 121).

His second argument against neutrality is: 'whether or not a *person* acts neutrally depends on the base line relative to which *his* behaviour is judged, and that there are always different base lines leading to conflicting judgements and no rational grounds



to prefer one to the others.' (p. 121)<sup>11</sup>. His example to illustrate this shows, he says, something quite radical: 'In it two standards of neutrality conflict.' (p. 122). The two 'conflicting' standards are the afore-mentioned comprehensive and narrow neutrality<sup>12</sup>. Let us not worry too much about why in this example the two standards of comprehensive and narrow neutrality conflict - for there is no obvious reason why these principles should *not* conflict. What we are surely seeking to do is to adjudicate between these two conceptions of neutrality, and decide which is more adequate. And it turns out that he *agrees* that actions are possible which allow us to be narrowly neutral, but not comprehensively neutral (pp. 122, 123). I find no problem with that. Now comes the difficult part of the argument, where we are brought back 'to the choice between the narrow and the comprehensive principles of neutrality' (p. 123). He argues that the 'conflict in which the state is supposed to be neutral is about the ability of people to choose and successfully pursue conceptions of the good (and these include ideals of the good society or world). It is therefore a comprehensive conflict. There is nothing outside it which can be useful for it but is not specifically necessary for it. The whole of life, so to speak, is involved in the pursuit of the good life. Can one be narrowly neutral in a comprehensive conflict?' (pp. 123-4).

His next paragraph begins 'Furthermore', so the assumption must be that he assumes

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<sup>11</sup> My emphasis, again stressing the personal nature of Raz's comments which fit oddly into a discussion purportedly on political neutrality.

<sup>12</sup> His example: the Reds are fighting the Blues. 'We have no commercial or other relations with the Blues, but we supply the Reds with essential food which helps them maintain their war effort.' (p. 121). The question is whether, to remain neutral, should we continue to supply the Reds with food? If we don't then we are hindering the Reds more than the Blues, if we do then we are helping them more than their opponents.

that the answer to his rhetorical question is 'no'. But why are we led to this conclusion? One problem seems to be that he has used the word 'comprehensive' in two different ways - firstly to refer to a type of political neutrality, secondly to describe the full-blooded conflict. But if instead we used, say, the word 'all-encompassing' to describe the conflict, then his question becomes: 'Can one be narrowly neutral in an all-encompassing conflict?', and the apparently obvious contradiction disappears. Now, can one? And more germanely for our purposes, can the state? I can't see anything in the definition of the narrow conception of neutrality which rules this out at all. Indeed the definition of narrow neutrality was *specifically in terms of choosing conceptions of the good*, so it would seem very possible to be narrowly neutral in a conflict about these issues.

The argument continues: 'within the range of duties which the State owes its citizens failure to help is hindrance.' (p. 124). How does he arrive at this? He gives two examples in this case - that of owing a client a duty to increase the value of his portfolio, failing to do so positively harming his interests; and that of a surgeon who, in failing to help the recovery of a patient, hinders that recovery. (p. 124). But are we able to translate these examples to the actions or inactions of the state? For crucially it would be assuming that the state has the political authority to intervene in such cases. This is surely an illegitimate assumption when it is the limits of the state which we are seeking to find? The question is begged about what exactly are the 'range of duties' which the state does owe its citizens.

So the argument does not seem persuasive. But notice how he concludes with: 'So

much for clarifying the doctrine of neutrality. In evaluating its credentials our prime example will again be Rawls' theory.' (p. 124). But he has already told us that Rawls' theory is one relating to *comprehensive* neutrality (p. 117). So it seems that principle 2, of narrow neutrality, is not to be further challenged. So we are left with Raz's agreement that '[e]galitarian supporters of the neutrality principle such as Rawls endorse a variant on the principle of comprehensive neutrality. Libertarian supporters of neutral political concern gravitate towards the narrow principle.' (p. 124). We seem to be left with no further argument against these libertarians! Raz has contradicted only the principle of comprehensive neutrality, and left the principles of neutrality likely to appeal to libertarians not persuasively challenged.

#### **b Raz against the exclusion of ideals**

Raz's second argument against anti-perfectionism challenges the 'exclusion of ideals'. The main thrust of this argument<sup>13</sup> addresses Nozick's interpretation of the Kantian imperative. Raz asks whether people have 'a right that other members of the community contribute to the life of the community'? (p. 148). If people *do* have 'moral duties to contribute to other persons and to promote certain ideals, then they are not being treated as means by being made to live up to them.' (p. 148). Against this is Nozick's concern that 'because the state acts through coercion ... it has to abjure perfectionism' (p. 148).

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<sup>13</sup> In the first part of the chapter, Raz dismisses 'political welfarism' - the doctrine that governments are 'required to promote the goals that people have, without discrimination based on their moral merit.' (p. 136). We won't go into this argument here, as he notes that Nozick's theory is 'immune' to these criticisms (p. 145); and it is Nozick's theory which is likely to be more substantial to his case.

The details of the argument need not concern us here<sup>14</sup>, for Raz concludes only that there are gaps in Nozick's theory, not that it is hopelessly misguided (p. 147). But most significantly, we find that certain of Raz's comments do seem to lend more support to Nozick's thesis than Raz is prepared to allow.

For Raz argues that if one holds personal autonomy to be of great value, as he does, then coercion *does* 'deserve the special importance attributed to it in much of liberal political thought' (p. 156). He doesn't, however, want to go as far as Nozick, pointing out countervailing tendencies which must also be taken into account. On the one hand, '[c]oercion diminishes a person's options. ... loss of options through coercion is deemed to be a greater loss of autonomy than a similar loss brought about by other means.' (p. 377); moreover, '[a]ll coercion invades autonomy by subjecting the will of the coerced. Coercive threats which create a choice dictated by personal needs, and most serious cases of coercion by the state are of this kind, also invade autonomy by offending against that aspect which concerns the quality of options.' (p. 155). On the other hand, however, 'harsh natural conditions can reduce the degree of autonomy of a person to a bare minimum just as effectively as systematic coercive intervention.' (p. 156); hence 'it is easy to exaggerate the evils of coercion, in comparison with other evils or misfortunes which may fall to people in their life.' (p. 156). Raz suggests that the liberal, concerned with peoples' autonomy, will seek to limit coercion and also *by the same token*, 'to secure natural and social conditions which enable individuals to develop an autonomous life'. However, in pursuing these goals 'the liberal may be willing to use coercion.' (p. 156).

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<sup>14</sup> For brief details, see appendix 3.

Three important issues are raised by Raz's discussion. Firstly, Raz contends that '[s]upporting valuable forms of life is a social rather than an individual matter. ... perfectionist ideals require public action for their viability. Anti-perfectionism in practice would lead not merely to a political stand-off from support for valuable conceptions of the good. It would undermine the chances of survival of many cherished aspects of our culture.' (p. 162). Hence the need for coercion to ensure that these valuable things do survive. But why does Raz assume that coercion by the state will be needed for this? He seems to be ignoring the possibility of there being a vibrant 'civil society', of culture thriving independently of the state, and avoiding the need for coercion. This issue, related to the 'public goods dilemma' is taken up in chapter 6, where it is suggested that Raz is being too pessimistic about this alternative.

Secondly, we can't let Raz get away with his insistence that even though the state needs to act in this perfectionist way, it can achieve much without coercion: 'Much of it could be encouraging and facilitating action of the desired kind, or discouraging undesired modes of behaviour. Conferring honours on creative and performing artists, giving grants or loans to people who start community centres, taxing one kind of leisure activity, e.g., hunting, more heavily than others, are all cases in which political action in pursuit of conceptions of the good falls short of the threatening popular images of *imprisoning people* who follow their religion,' etc. (p. 161 emphasis added).

But each of these methods described by Raz involves the state using funds taken in taxes from some people and given to others; it is rather odd that Raz describes this as being state activity which does not involve coercion - particularly as failure to

comply with tax laws *does* carry the threat of imprisonment<sup>15</sup>. Moreover, there is more at stake in this type of coercion than simply taking of money from one party to subsidise another. Waldron argues, discussing the example of a tax on hunting, that '[t]he imposition of the tax then is necessarily manipulative, for it influences a person's decision by distorting that individual's understanding of the merits of the choice.' (Waldron 1989 p. 1146)<sup>16</sup>.

I suggest that taxation is a significant form of coercion which does pose problems for Raz<sup>17</sup>, and which, if addressed seriously, could lead him to be less unsympathetic to Nozick's position.

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<sup>15</sup> See emphasis in quote above.

<sup>16</sup> This has implications for the state *promotion* of a curriculum, even if it balked at actually making it compulsory - for this too would distort the 'individual's understanding of the merits of the choice'.

<sup>17</sup> Mason attempts to support Raz's position that taxation and subsidy do not really involve coercion: 'although taxation and subsidy, for example, involve interfering with the way people lead their lives, not all forms of them also prevent people from exercising their autonomy.' If I am taxed, then 'I may no longer be able to smoke twenty cigarettes a day and go to the opera every three months.... However, if I am still able to smoke ten a day and go to the opera as frequently as I did before, even though an option is no longer available to me, I have not been prevented from exercising my autonomy' (Mason 1990 p. 442). But this avoids the problem that some people's autonomy have been reduced because they have been coerced into paying subsidies to others, and by having their options weighted, as noted above. Mason argues that this is not the case: for example, taxation of fox-hunting would be satisfactory, provided the government informed people of the reasons for so doing, and, perhaps initiated debate about them: 'An increase in the cost of foxhunting may force some who enjoy this pastime to enter into rational debate about its merits when no other social pressure would do so, in the hope of changing state policy.' (p. 443). But why should they have to do this? One is suspicious that Mason is happy to see this because he is against foxhunting. Supposing a rather conservative government introduced a state-*subsidy* of foxhunting? Would he then be so pleased that at least this would initiate debate about its pros and cons?

Thirdly, and most significantly, Raz observes that 'there is a significant difference between coercion by an *ideal liberal state* and coercion from most other sources. Since individuals are guaranteed adequate rights of political participation in the *liberal state* and since such a state is guided by a public morality expressing concern for individual autonomy, its coercive measures do not express an insult to the autonomy of individuals. It is common knowledge that they are motivated not by lack of respect for individual autonomy but by concern for it.' (Raz 1986 pp. 156-7 my emphasis).

This is of crucial importance. Raz's arguments, it transpires, have concerned an *ideal* state. But in a less-than-ideal state, liberals *will* presumably be concerned to limit state coercion. For in real liberal states it is arguable that people do not have adequate rights of political participation, and the public morality isn't as Raz glowingly describes. So even if we accept Raz's conclusions about coercion, we are left with the idea that, in real situations, he arguably could agree with Nozick about practical outcomes. Coercion should be limited. Coercion in real states *does* have the effect of, in Raz's words, treating the individual as 'a non-autonomous agent, an animal, a baby, or an imbecile.' (p. 156).

These considerations of Raz against anti-perfectionism do not have the strong conclusions that he would wish us to draw from them. We are left without persuasive argument against two possible types of neutral states. Moreover, we are left with question marks hanging over Nozick's argument, but in any case, an admission by Raz that in real circumstances coercion by the state is undesirable - a position which will

not leave him in much practical disagreement with Nozick. So, together with the failure of his case against individualistic rights, it seems Raz has not demolished the arguments against a perfectionist state. We turn now to his *positive* arguments for the state promotion of autonomy, to see if his case there is more successful.



#### 4.4 Raz on the state promotion of autonomy

Raz's argument for the state promotion of autonomy has three elements: the *principle of autonomy*, the *harm principle*, and the *normal justification thesis*. Taken together, these elements constitute Raz's defence of the state's use of coercion in the promotion of the personal autonomy of its citizens.

The *principle of autonomy* is defined as 'the principle requiring *people* to secure the conditions of autonomy for all people' (Raz 1986 p. 408, emphasis added). This is arrived at with an argument about the 'ultimate value' of the autonomous life, and the 'intrinsic value' of the conditions needed for autonomy; as with White's argument, the details need not concern us here, for we are seeing what follows if we accept Raz's position. So, '[s]ince autonomy is morally valuable there is reason for everyone to make himself and everyone else autonomous' (p. 407). To this end, individuals have three 'autonomy-based duties' towards other persons: to refrain from coercing others (p. 407); to 'help in creating the inner capacities required for the conduct of an autonomous life'; and finally to create 'an adequate range of options' for people to choose from (p. 408). It is in the second and third sets that the duty to provide educational opportunities for others arises.

These duties are duties that *people* have towards other people, e.g. as parents, neighbours, or members of a community. On its own the principle of autonomy does not give us duties that *states* have towards their citizens. So in order to arrive at

Raz's position that '[g]overnments'<sup>18</sup> are subject to autonomy-based duties to provide the conditions of autonomy for people who lack them' (p. 415, emphasis added), and that they are permitted to use coercion to do this, we need two extensions or supplements to his autonomy principle.

Raz's *harm principle* provides one supplement to the principle. He takes Mill's harm principle that 'the only justification for coercively interfering with a person is to prevent him from harming others' (p. 412), and extends it to include the prevention of harm to the person him or herself. He then defines harm rather broadly: 'one harms another when one's action makes the other person worse off than he was, or is entitled to be, in a way which affects his future well-being.' (p. 414). Clearly much depends upon how 'well-being' is interpreted here: Raz wants it to be interpreted broadly to include acts of omissions as well as commissions: 'failing to improve the situation of another' (p. 416) is harming someone. A more thorough examination than we have space for is likely to find difficulties with Raz's approach here. However, let us accept his position to focus on its implications. Clearly, the harm principle does not go the whole way to justifying the intervention of the state in the promotion of autonomy. For Raz concludes his discussion: 'if the government has a duty to promote the autonomy of people, the harm principle allows it to use coercion both in order to stop people from actions which would diminish people's autonomy and in order to force them to take actions which are required to improve peoples' options and opportunities.' (p. 416 my emphasis).

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<sup>18</sup> As we noted earlier, Raz uses the terms 'the state', 'government', and also 'the law', interchangeably (Raz 1986 p. 70).

So this is still hypothetical: *if* the government has this duty, *then* the harm principle justifies coercion. We still need a supplement to the principle of autonomy to show that states do have this duty. We find this in his *normal justification thesis*, a thesis justifying authority in general, including political authority. The thesis asserts that the ‘main argument for the legitimacy of any authority is that in subjecting himself to it a person is more likely to act successfully for the reasons which apply to him than if he does not subject himself to its authority.’ (p. 71). Importantly, political authority can *only* be justified if it satisfies this thesis. The test is: ‘does following the authority’s instructions improve conformity with reason?’ (p. 74).

Let us try to do what was beyond the scope of Raz’s argument, and examine the case of education for autonomy. In other words, let us supplement Raz’s principle of autonomy with the machinery of the normal justification thesis, to show how this would justify states intervening in education to promote the autonomy of citizens.

Now the normal justification thesis allows us to make the following assertion: state action in education for the promotion of autonomy is justified only if it can be shown that a person is better able to comply with the duties to promote the autonomy of others by obeying the relevant laws, rather than by simply following his or her duty in this respect. That is, if people pay their taxes, follow the state’s commands on compulsory schooling, and so on, they are better able to assist in providing educational opportunities for the promotion of their own and other peoples’ autonomy, than if they are involved more directly in educational matters, by, for example, voluntarily contributing resources to education or by offering their services to the

community. If this is accepted, then Raz's *principle of autonomy* can be extended in the desired way to support White's argument that the state should be involved in the promotion of autonomy through education.

Now, in order to accept the extension of Raz's principle of autonomy extended to justify state intervention in education for the promotion of autonomy, we would have to be committed to these propositions<sup>19</sup>:

- 1      that some, or all, of the state's citizens need help in promoting their personal autonomy, over and above that which they or their relatives are able to provide;
- 2      (a) that those who need such help cannot either expect to receive it through the institutions of civil society, that is through non-state institutions such as religious organisations, communities, etc; or, (b) that state intervention in this regard will *better* promote the autonomy of all citizens than these other institutions.

The first proposition is framed in such a way as to accept that, of course, all children need some help in being initiated into the requirements for autonomy; the condition stresses that, however, some cannot obtain it in their own families without outside assistance. As in chapter 3, we note that both of these propositions have a large empirical element, upon which we cannot adjudicate here. The second proposition

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<sup>19</sup> Recall the analogous propositions in chapter 3.

implies:

- 3 that state intervention in this regard is efficacious; i.e. that certain types of state intervention in education can be expected to have the effect of promoting the autonomy of citizens, better than if the state was not involved.

These are propositions which would need to apply to any society in order for Raz's argument for the state promotion of autonomy to be satisfied. Now, just as in the earlier discussion of coercion, we note that Raz would seem to accept that there might be contingent reasons why the third proposition might not hold in anything but an ideal liberal society. For Raz argues that there are 'pragmatic considerations which can normally be expected to favour erring on the side of caution where governmental action ... is concerned.' (Raz 1986 p. 411); Or: 'Some governments can be entrusted with the running of schools which it would be wrong to entrust to another' (p. 427). Or again: 'Since power is corruptible, fallible and inefficient it should not be trusted. ... The impotence of politics to do good, the unreliability of governments, is the basis of the freedom of the individual' (p. 428). That is, we can say that Raz would not *necessarily* accept proposition 3 above. Neither, it seems, would White: he warns:

'It does not follow ... that the wisest policy in any liberal democracy is to put the aims of education under government control. For actual governments may not be motivated by the desire to help everyone to become autonomous. ... Whether or not aims should be left to government cannot be laid down by a formula. Everything depends on local

considerations. ... Where a government is likely to misuse its power, to mouth autonomy for all, for instance, but in reality to encourage autonomy for a few and structure the educational system so that the many become their servants, then the move would be unwise.' (White, J. 1988 p. 230).

This is of great importance: I argue that, for *contingent* reasons, it seems that Raz (and White) could agree that some states, or some types of state intervention, would not be efficacious at promoting the autonomy of citizens, or not as efficacious as action without the state. That is, he could agree that his argument for the state promotion of autonomy through education might not apply in general (for his argument, I have argued, implies propositions 1-3, and 3 he would not in general accept). Let us call this Raz's *contingent objection*. What I seek to question in the next section is whether it is simply for contingent reasons that we might reject proposition 3 above, or whether there could be other reasons for so doing. We shall explore two possible routes.

#### 4.5 Challenging Raz's 'contingent objection'

##### *Raz and the prisoner's dilemma*

In building up his argument for the normal justification thesis, and its applicability to the argument for political authority, Raz notes that 'the case for having any political authority rests to a large extent on its ability to solve co-ordination problems and extricate the population from Prisoner's Dilemma type situations.' (Raz 1986 p. 56)<sup>20</sup>. He elaborates on this, pointing out that: 'Direct individual action in an attempt to follow right reason is likely to be self-defeating', so individuals should, following an 'indirect strategy' give authority to the state. Moreover, the 'authority is in a better position to achieve ... what the individual has reason to but is in no position to achieve.' (p. 75).

For the prisoner's dilemma argument to hold in the case of state promotion of autonomy through education, Raz would need either, or both, of the following two propositions to be true<sup>21</sup>:

- 4     reliance on the altruism and/or self-interest of citizens would not lead to the desired outcome of the promotion of autonomy for all through education; (Self-interest would come about from wishing to promote the desirable 'neighbourhood effects' of an educated citizenry; altruism from wanting to help others to develop educationally);

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<sup>20</sup> This supported his 'dependence thesis' which in turn supported his normal justification thesis.

<sup>21</sup> Again, see the analogous propositions in chapter 3.

5 even if individuals were altruistic and/or self-interested enough, they would be subject to the limitations of *collective action* problems in coordinating action for educational opportunities for autonomy without the state; we need the state to solve these collective action problems for us.

Now although Raz repeatedly mentions how important game-theoretic ideas are for the justification of the authority of states, nowhere does he explicitly examine any of the vast literature on them. He attaches himself, without argument, to the Hobbesian and Humean line, that the only way we can extricate ourselves from problems of social coordination is through state intervention. The easy assumption of this position is simply no longer tenable, for recent work<sup>22</sup> shows that the problems of coordination for the provision of public goods are simply not as bleak as Raz has intimated. We shall take these matters further in chapter 6, where we suggest that there are strong arguments undermining Raz's 'contingent objection'.

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<sup>22</sup> Much completed before Raz wrote *The Morality of Freedom*.



*The Epistemic Argument*

The second challenge to Raz's 'contingent objection' relates to epistemic concerns. Now we find Raz using epistemic concerns in support of political authority, arguing that political authorities are 'wiser and therefore better able to establish how the individual should act' than individuals themselves; moreover, that the knowledge of political authorities is 'less likely to be tainted by bias, weakness or impetuosity, less likely to be diverted from right reason by temptations or pressures' (Raz 1986 p. 75) than the knowledge of individuals. However, his 'contingent objection' would lead to agreement that under some circumstances this might not be the case, but for contingent reasons only. The question in this section is whether there are non-contingent reasons why the knowledge of political authorities regarding the promotion of autonomy through education might not be efficacious. The issue is whether decision-making about education for autonomy is really best conducted at the level of governments, or whether the requirements of education mean that lower levels of decision-making about it are more suitable.

To create a framework in which to explore this issue, we turn to the epistemic defence of 'the moral foundations of markets' recently given by John Gray (1992). His argument about markets in general will be summarised before we ask how this relates to education and the curriculum for autonomy in particular.

*Gray on the Epistemic argument for Markets*

Gray has two chief concerns. The first is to demonstrate that market systems have moral foundations connected with the promotion of autonomy. Secondly, he aims to

show that the classical liberal, or libertarian, argument for markets is inadequate, and that the justification for their moral foundations also points to 'an enabling welfare state'.

Gray argues that markets are important because they enable individuals 'to live autonomously in a form of life containing valuable options furnished by a common stock of inherently public goods.' (Gray 1992 p. 2). The importance of markets is that they enable people 'to act autonomously in their own personal knowledge - knowledge that is typically tacit and practical in form.' (p. 3).

This epistemic argument has a long vintage, and as been frequently used to explain the failures of socialist central planning by recourse to insurmountable limitations on human knowledge. Ludwig von Mises put forward his 'calculation argument', that it is a calculational impossibility to simulate market pricing in a planned economy. Without market pricing of assets, relative scarcities are unknowable. Hayek developed this argument to show that the importance of markets lies in their ability to economize on the scarce resource of human knowledge, dispersed through all of society, 'knowledge that by its very nature cannot be collected by a central planning board.' (Gray 1992 pp. 6-7). For Hayek, 'the most important role of the market is that of a device for the transmission and utilisation of unarticulated, and sometimes inarticulate, tacit and local knowledge.' (p. 8).

Hence, the problems of central planning are not just about incentives, as argued by some on 'the left'. However, both the incentives and the knowledge arguments are

important for the discussion of autonomy:

‘The incentive argument invokes the fact that planning institutions obstruct the individual in acting upon his projects and purposes, while the epistemic argument notes that they prevent him from using and benefitting from his own knowledge. In both cases, the planning institutions constrain or diminish the autonomy of the individuals, partly by compelling him to act on purposes that are not his own, partly by depriving him of the opportunity to engage in projects animated by his own knowledge.’ (p. 14).

Hence Gray’s ethical defence is of the market as ‘an enabling device for the protection and enhancement of human autonomy’ (p. 19). The market promotes autonomy through the right of exit<sup>23</sup>, not voice. Instead of the constraints of collective decision-making, markets ‘are by their nature sensitive to differences among people, and hostile to the Procrustean conformism of the central plan.’ (p. 23).

The market system also inculcates and demands certain virtues of people: ‘In predatory Soviet-style systems, the virtues that are at a premium are the Hobbesian ones, appropriate to his hypothetical state of nature, of force and fraud, coercion and deception. By contrast, the virtues elicited in market economies are those of the autonomous person - the person ... who is self-possessed, who has a distinct self-identity or individuality, who is authentic and self-directed, and whose life is to some significant degree a matter of self-creation.’ (pp. 24-5).

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<sup>23</sup> For a definition of this, see chapter 6.

Now it is certainly not the claim that markets are unique in promoting autonomy. Many other voluntary associations such as families, churches, and so on, are also involved in this. But without market institutions, people will not have autonomy in a crucially important aspect of their lives - 'the economic dimension in which they act as consumers and producers.' (p. 28).

The novelty of Gray's position, then, is that it has taken autonomy as a fundamental value, and found a moral justification for the market in terms of this value. But thus far, we have only found justification for the market in the *economic* sphere. Where does education fit into the argument? In particular, could decisions about the curriculum for the promotion of autonomy also lie in the market sphere?

Gray considers some aspects of educational provision, when he addresses the notion of the 'enabling welfare state'. In this discussion, Gray accepts Raz's conclusion that the 'provision of many collective goods is constitutive of the very possibility of autonomy and it cannot be relegated to a subordinate role, compared with some alleged right against coercion, in the name of autonomy.' (Raz 1986 p. 207, quoted Gray 1992 p. 22). Moreover, Gray also accepts that for the promotion of autonomy, and other basic human needs, an 'enabling welfare state' is necessary, to provide goods where civil society, including the market, fail to do so (Gray 1992 p. 37). He argues, closely following Raz, that 'the argument which justifies free markets as enabling devices for autonomous choices also, and inexorably, justifies the institution of an enabling welfare state, where this is among the conditions of autonomous choice and action' (p. 30). That is, he accepts Raz's arguments against a system of negative

rights, and allows that the provision of autonomy-enhancing (or indeed, any other basic need-enhancing) goods take priority over the classical liberal's alleged right against coercion.

However, although Gray's 'enabling welfare state' sounds fairly interventionist, it is not altogether clear to what extent *educational opportunities* will need state intervention, and in particular, whether decisions concerning an education for autonomy will need intervention. Gray's argument concerning education is clear as far as it goes. Education is a basic need, essential to the promotion of autonomy. Hence, there is a 'welfare benefit to education' (p. 65). But this doesn't mean within his system that governments necessarily have to step in and provide education. For Gray adds the caveat that the state should only intervene in welfare when and where resources and opportunities 'are not provided, or are under-provided, by the institutions of civil society - by the spontaneously formed groupings of family, neighbourhood and community, by private self-provision and by charitable agencies.' (p. 58). In an earlier work, Gray suggested that, in the context of a much lower tax régime, the great majority of individuals, families and communities will be able and willing to provide education needed for their citizens. For the small minority that is not so disposed, then the government should step in, by funding vouchers for individuals to use in private schools. These schools could be regulated with some minor controls over the curriculum, (Gray 1989 pp. 53ff)<sup>24</sup>. However, these ideas, he stresses, are contingent and that what he is at pains to establish is 'the principle of

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<sup>24</sup> Notice, of course, the similarities between this and West's market model - presumably Gray was influenced by West here.

education as a valid welfare claim rather than the institutional means for guaranteeing it (which will greatly vary according to circumstances)' (Gray 1992 pp. 65-6). So it might seem that he accepts the 'contingent objection' outlined earlier given by Raz. However, his discussion of the epistemic justification for markets raises the interesting question of whether this argument also applies to the provision and regulation of education. In particular could it apply to the regulation of the curriculum?

Now Gray is decidedly brief on the curriculum for an education for autonomy - he mentions literacy and numeracy (Gray 1992 p. 65), and English Literature, Mathematics and Science (Gray 1989 p. 55). There is nothing like the detailed prescriptions put forward by White (White 1990, O'Hear and White 1991). Has this difference emerged simply because education is White's speciality, and that had Gray given it more thought, he too would have come out with similar prescriptions? Or is there more to it than that? I suggest that the epistemic argument has a role here, which we will explore now.

#### 4.6 *The Epistemic Argument and the Curriculum*

Can we extend the epistemic argument for markets to show how decisions about curriculum are better left to markets rather than central planners? Two issues are of concern here: firstly, the knowledge of the curriculum planners, and secondly, the related concern about levels of decision-making. The context of our discussion is, of course, discussion of 'education for autonomy': but we will see that it may have wider purchase.

##### *Knowledge of curriculum planners*

Now White is aware of the difficulties faced by central curriculum planners: he writes that they would need to 'work out a coherent and defensible set of overall aims; examine what sub-aims, or intermediate aims, these might generate on logical, psychological and other grounds; bear in mind the wide variety of ways by which aims might be realized; and try to work out criteria delimiting the role of central government, from that of local government, governing bodies and schools... all of which would be *a long and massive undertaking*, requiring the collaboration of professionals, civil servants, politicians and others in some kind of semi-independent but politically accountable national educational council.' (White 1990 p. 13, emphasis added). The central challenge posed by the epistemic challenge is: is all this too 'long and massive' an undertaking? Let us illustrate the sorts of problems that might arise in the curriculum central planning process.

##### **a      the make-up of the committees**

First problem: who would be on the many committees and sub-committees? For the

choice of those people could largely determine the result of the deliberations. Will they be people who largely agree on political issues, or will there be a balance of political colour, and hence great difficulties in reaching agreement? As noted above, if compromises need to be made, then this is likely to lead to excessively detailed legislation, which in itself would be undermining of autonomy, exactly the opposite of what is sought by promoters of a curriculum for autonomy.

**b      'tacit' knowledge**

Next problem: can the knowledge needed by the central planners be articulated? For there is a long tradition in political philosophy which queries whether much knowledge about society is of this articulated form, or whether it is knowledge that is 'tacit', discovered only through practices and traditions (see for example, Hayek 1960, Oakeshott 1962, Polanyi 1958). A brief look at a couple of the criteria which 'any adequate national curriculum must satisfy' (O'Hear and White 1991 p. 5) will illustrate the sorts of problems I have in mind.

Firstly, White and O'Hear say that a national curriculum 'must have a clear and defensible set of general aims, linked to the personal, civic and economic expectations of the national community.' What does it mean for a 'national community' to have expectations of its citizens?<sup>25</sup> How can we discover what these expectations are? Can they be articulated for use in the committee room? Secondly, a national curriculum 'must be directed towards promoting success rather than identifying and

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<sup>25</sup> Notwithstanding difficulties defining its geographical boundaries: compare White 1990 p. 145 with O'Hear and White 1991 p. 10, also see White 1990 pp. 170-1.



reinforcing failure.' Isn't the ability to do this a *practice* which depends on the feel of the teacher in the classroom, rather than the articulations of central planners? And so on. Each of their criteria seems to present problems over articulation of what takes place in the teacher-pupil relationship, or with pupils in schools<sup>26</sup>.

### c the 'Renaissance Person' problem

Even if the knowledge, or some part of it, can be articulated *within separate disciplines*, will the experts from these different fields be able to communicate with each other, and understand each other in order to create a coherent curriculum? For the great expansion of knowledge means that there can no longer be a 'Renaissance Person', familiar with all fields. 'The more civilised we become', says Hayek, 'the

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<sup>26</sup> It is interesting to note in this context how White seems off-the-mark when he argues that the 1988 National Curriculum was devised much too quickly, with far too little thought given to the aims and content of the curriculum. The government 'showed that devising a national curriculum is simplicity itself. You pick ten foundation subjects to fill most of the school timetable, highlight three as of particular importance and arrange for tests at different ages. I could have worked out the national curriculum years ago. Anyone could.' (White 1990 p. 13). The implication here is that not enough articulated, rational planning in committee rooms took place, hence there was not enough planning at all. On the contrary, I suggest that the process of devising the current National Curriculum took place over many centuries, up to about 1904. Aldrich has noted how the 1988 National Curriculum is virtually a copy of the curriculum directives of 1904 (Aldrich 1992 p. 67). But prior to that, without any state intervention in the curriculum, (except for the abortive attempt at 'payment by results' in the 1860s), a curriculum had *evolved* through centuries of 'social experimentation' (Watson 1909). Through a process of 'natural selection' and 'adaptation', the curriculum evolved out of the education of the gentleman, tempered with the ethos of discipline from the grammar schools and an orientation to the world of work. The committees of 1904 simply formalised this unarticulated 'knowledge' contained within the traditions of society. But of course, they didn't - and couldn't - formalise everything. Much was taken for granted about the way schools were at the time, including the details of ethos and organisation. The 1988 committees simply latched onto those traditions. Of course, it is questionable whether they were relevant 84 years later. However, the point is that knowledge does not have to be articulated to be useful and used.

more relatively ignorant must each individual be of the facts on which the working of his civilisation depends. The very division of knowledge increases the necessary ignorance of the individual of most of this knowledge.' (Hayek 1960 p. 26). This has profound implications for any central curriculum planners, who will be largely ignorant of all but one of the disciplines brought to bear on the planning, such as economics, history, curriculum subjects, philosophy, psychology, politics, etc. (In fact, their specialised knowledge will, of course, be limited to a small subset of one of these disciplines). How will these people on committees communicate with each other, and weigh up their different claims?

#### **d      reaching decisions**

How will the committees reach their decisions? Is it assumed that they will achieve consensus? Presumably not, so will majority voting carry the day on something so important? What voting system will they use? How do they know that this does not have malfunctions, which will render the outcome of their deliberations void of any meaning? We will encounter the problems of voting later (chapter 5). The general result there is that all voting systems have the possibility of severe malfunctions. This may lead to the committee members all preferring some option which doesn't get chosen, or of the eventual choice being an arbitrary one.

#### **e      getting it right**

Now, remembering that the outcome of the national curriculum committees' work is legislation to be implemented in all educational settings, affecting all of the nation's children, and hence the nation itself for the next few generations: what confidence can

we have that the planners will get it right? Suppose the committee is made up of very wise members, say with a 0.9 probability of getting any one particular decision correct. Suppose they have to make decisions about 10 major and statistically independent issues. Then, the probability of being right on the whole package is  $(9/10)^{10}$ , just 0.3487. That is, this very wise committee deciding on ten important issues has only a probability of about one third of getting everything right. That is, it is very likely to get at least one of the important decisions wrong. A wrong decision will then be made law and forced to be implemented in all schools. This probability of course, sharply increases when we consider less wise committees. For example, if on each issue, the probability of getting things right is 0.75, then on ten independent issues, the probability of getting everything right is  $(3/4)^{10}$  or 0.056, which is a very tiny probability indeed.

#### **f      unintended consequences**

Even if it is assumed that the central-planners can put forward a plausible articulation, and even if this could be comprehensible across different disciplines, can we be sure that the policy will not have unintended consequences that may undermine the policy? A genuine example worth considering in this context is that a recent government survey found standards in reading falling, and suggested the connection between this and the state-imposed crowding of the primary curriculum with more science, history and geography (Cato and Whetton 1991). So the desire for a broad and balanced primary curriculum may have led to a decline in reading standards. Again, as previously noted, the emphasis on a curriculum that promotes autonomy could well lead to the undermining of other institutions that currently serve autonomy.

The general point is that given the complexity of our social system, we just cannot be sure how different aspects inter-relate, and how changes in one area will affect other areas and institutions. It might be thought that if there are effective, fast and accurate feedback mechanisms, then counterproductive policies can be quickly discovered, and altered. But this then brings in the appropriate levels of decision-making about education. For crucially, the level at which decisions are made is related to how quickly changes can be implemented.

### *Levels of decision-making*

What level of decision-making is appropriate to the curriculum? White, and any other advocate of a compulsory core curriculum, claims that decisions about the curriculum should be made at the national level. The locus of decision-making, he argues, should be moved from the sphere of schools to central government. The assumption seems to be that this will not only bring the benefits of national control, but also that there are no costs in changing the locus of control. However, it is crucial to my argument that decision-making by government is not costless in this way. When decisions are moved between different levels of decision-making, it is not simply the case that a different set of people now make the decisions - *the nature of the decision itself can change* (Sowell 1980 p.17). In the context of control of the curriculum, the significant issues concern the ease of reversibility of the decision; the possibility of incremental changes; and the ease of fine-tuning of the decision.

#### **a ease of reversibility**

We turn again to the example mentioned earlier of the crowding of the curriculum

leading to a decline in reading standards. If an individual school had experimented with the broadening of its curriculum in this way, then upon discovery of a decline in reading standards, the solution would be obvious and quickly initiated. The headteacher or governors could reverse the previous decision and the next year's intake could then have a more appropriate curriculum. In fact, it is easier than that, because the individual school would not need to await the results of standardised tests administered at the convenience of the central planners: teachers working with pupils would be able to give immediate feedback of problems encountered, and the decision could be reversed well before a whole cohort of pupils had gone through the year. With the experiment conducted at the national level, however, things become extraordinarily complicated, expensive and slow to change. For the curriculum is now on the statute book, brought there by lengthy and slow procedures, and only possible to be changed via similarly lengthy and slow procedures<sup>27</sup>. Moreover, in this example, the feedback mechanism was fairly easily initiated and interpreted. But it is more likely that for feedback about other effects of a national curriculum for the promotion of autonomy, the mechanisms will be very hard to put in place, and the time taken between discovering problems and being able to institute a solution will be inordinately long<sup>28</sup>.

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<sup>27</sup> In England & Wales we have already witnessed the time it has taken to change the Attainment Targets and schemes of work in mathematics and science - and perhaps what is most interesting about these changes is how cosmetic they are.

<sup>28</sup> It will not be until the year 2000 that the current National Curriculum will be fully in place, that is, before the first group of pupils has been taught solely under its regime. But this means that by this time, *eleven generations of pupils* will have been submitted to the curriculum for some part of their school-life. They will have been compelled to follow it, even though an evaluation of its effectiveness could not properly have been made (Kelly 1990 p.ix).

Even this underestimates the complexity of the problem of feedback. For we have assumed that feedback on the effectiveness of the compulsory curriculum could be obtained by, for example, results in reading tests. Bureaucratic control, of course, needs tangible results such as this by which to monitor whether national goals are being met, and whether the structure of the curriculum needs to be changed. But it is difficult, both in principle and in practice, to suggest what objective and quantifiable measures could be used to ascertain whether *effective education* is taking place, particularly an education for something as intangible as autonomy. The central planners will need to have some feedback, and hence they are likely to come up with measures which do not really reflect what is important about this education. They are likely to dwell on things that can be easily quantified, such as test scores, and truancy rates, rather than on more nebulous aspects of the educational experience. This is not true, of course, of decision-makers at school level. They are continually interacting with pupils and aware of the multiplicity of their educational experiences. They are in a much better position to evaluate any changes, even if they are not able to articulate this evaluation to the degree required by state educational administrators.

**b incremental changes and innovation**

Secondly, the change in locus of decision-making also changes the ease with which incremental changes can be made; this in turn effects the ease with which innovation can be introduced. Decisions that are reversible are also flexible, allowing for innovations to be introduced and tried out, and perhaps rejected or more widely disseminated. Government-made decisions are much more likely not to foster innovations in this way. Consider again the reading standards example. If a school

discovers this decline, then it could as noted above, quickly reverse the previous decision, and eliminate say, science, from the first years of schooling. However, it doesn't have to do that, it could also make incremental changes - by raising the level of time devoted to science, but not by as much as before. Or it could introduce the innovation of a longer teaching week, allowing more time for science *and* reading. But importantly, these changes could be introduced in a spirit of 'we'll try this and see what happens.' If it's not successful, if reading standards continue to decline, or if children or parents or staff object to the longer hours, then the decisions can again be adjusted until the outcome is as desired. Governments cannot make incremental changes and innovations in this way. Even if the necessary feedback mechanisms could be brought into place, it would be politically inexpedient for democratic governments to persist in introducing incremental changes.

The ability to make innovations is of importance when considering the needs of the economy, as well as of individuals and society. For a state-prescribed curriculum is likely to be in place for decades before significant changes can be made to its content. In our fast-changing world, it seems rather arrogant to suppose that ideas today of what is technologically, socially and personally appropriate in a curriculum, would be relevant early in the next century, particularly in terms of the promotion of autonomy.

#### **c      fine-tuning**

Finally, another facet of decision-making relationships of relevance to the curriculum relates to the ease with which decisions can be 'fine-tuned' to the particular problem at hand. Teachers in schools have continual feedback from their students, and are thus

able to assess the effectiveness of the curriculum for *individuals*, and gauge work accordingly. The central planners are clearly not able to fine-tune the curriculum to suit the needs of individuals in this way.

One way around this would be to leave the broad framework of the curriculum to the central planners, and allow teachers discretion in the classroom. This is certainly how White envisages that his curriculum will overcome the types of problems discussed in this section - 'it is essential for teaching to be adapted to the needs and strengths of the learner. ... a teacher ... knows the particular circumstances in which learning takes place ... Effective teaching requires the freedom to make specific planning decisions in response to such factors. The national framework should support teachers in such planning, not constrain them unduly.' (O'Hear and White 1991 p. 10). I have already argued why national curricula are likely to be highly prescriptive, and not leave areas of the curriculum to the teachers' discretion.

What 'fine-tuning' could take place in a curriculum not nationally imposed, in our reading standards example? Clearly, teachers could encourage those who *are* able to read to cover areas of science, while allowing those who are not to spend time in mastery of reading. The solution is simple, but the inflexibility of a national curriculum is likely to mitigate against it. Centrally-imposed decisions are likely to be 'package deals' rather than individualised. The suggestion here is that the latter is more appropriate to the relationship between teacher and pupil.

The considerations of this section then lead us further to question whether the



appropriate level of decision-making for the curriculum is the national one. If the curriculum needs to be flexible, fostering innovation and allowing for incremental changes and 'fine-tuning' to cater for the needs of individuals, then national decision-making, I have argued, is inappropriate.

The upshot of all this is that there are severe epistemic problems facing the central curriculum planners, analogous to the problems facing any other central planning. Each unique individual holds different knowledge and skills, and different educational requirements; information concerning this distribution of knowledge and skills could never be known by any central planning authority. Moreover, even if it could, the national level of decision-making is inappropriate for the curriculum because of the need to match up the individual's unique requirements and the curriculum provided. The epistemic argument for markets can be adapted to show that there are analogous problems faced by the state in trying to create and impose a curriculum for autonomy.

#### *Conclusions: Rejecting Raz's contingent objection*

We return now to consider how this discussion bears on Raz's argument for the state promotion of autonomy. We argued earlier that if Raz's principle of autonomy, his harm principle, and his normal justification thesis were adapted to justify state intervention for the promotion of autonomy, then this would lead to accepting propositions 1-3 above. However, we suggested that Raz might concede that proposition 3 did not in general apply, and hence that his argument for the state promotion of autonomy might not be applicable in general. Crucially, his non-acceptance of proposition 3 would be for contingent reasons only, and would not

change his principled support for state promotion of autonomy through education. We sought to examine this contingent rejection of proposition 3, which we termed Raz's 'contingent objection'. We noted that there could be two ways to undermine this objection. Firstly, the 'prisoner's dilemma' and other problems of collective action, crucial to Raz's argument, seemed likely to pose difficulties for his position. These were related to educational provision through propositions 4 and 5, and will be explored in chapter 6. Secondly, the 'epistemic argument' in support of markets raised serious, non-contingent reasons why state intervention in the curriculum for the promotion of autonomy might not be efficacious, hence why Raz's 'contingent objection' might not be acceptable. In other words, the discussion so far leads us to conclude that Raz's 'contingent objection' might not be upheld. Hence we can say that there seem to be non-contingent grounds for questioning our proposition 3, and hence for not accepting Raz's argument for the state promotion of autonomy through a curriculum for autonomy. Moreover, because White's argument depended upon Raz's, the foundations on which that argument rests are also brought into question.

#### 4.7 *Conclusions: Against state promotion of education for autonomy*

This chapter had as its first aim the examination of one possible curriculum proposal for the fleshing out of West's 'minimum adequate education for all', namely an 'education for autonomy'. John White's argument in favour of such a state-promoted curriculum was explored. It was suggested that such a curriculum could have undesirable consequences. Firstly, it could lead to the undermining of other autonomy-promoting institutions of civil society. Secondly, whatever the intentions of the curriculum designers, it could lead to severe restrictions on the autonomy of educationalists, and hence, again to undermine the autonomy of pupils. Neither of these arguments were particularly compelling, and so we turned to the justification for the state to be involved in the promotion of autonomy, to see if a stronger case could be made using this justification.

White's arguments were found to depend upon those given by Joseph Raz, and hence these were explored in some detail. It transpired that none of Raz's arguments against those who would seek to curtail state intervention in ways relevant to our discussion were found to be convincing. He left open the possibility of there being an argument for some sort of neutral state, pointed out that coercion by actual (rather than *ideal*) states might not be at all desirable, and failed to address the coercive impact of taxation and legislation. When we turned to Raz's positive arguments in defence of state promotion of autonomy, we suggested that when applied to education, we would need propositions 1-3 to be satisfied in order to accept his position:

- 1     that some, or all, of the state's citizens need help in promoting their personal autonomy, over and above that which they or their relatives are able to provide;
- 2     (a) that those who need such help cannot either expect to receive it through the institutions of civil society, that is through non-state institutions such as religious organisations, communities, etc; or, (b) that state intervention in this regard will *better* promote the autonomy of all citizens than these other institutions.
- 3     that state intervention in this regard is efficacious; i.e. that certain types of state intervention in education can be expected to have the effect of promoting the autonomy of citizens, better than if the state was not involved.

Apart from many empirical concerns which we were unable to address, we suggested that Raz himself (and also White) might have difficulty accepting proposition 3, but only for *contingent* reasons to do with the shortcomings of particular governments. We labelled this Raz's 'contingent objection'. In itself, this would be a powerful argument against allowing many, if not all, actual governments to be involved in the regulation of the curriculum. However, we asked if there could be any *non-contingent* reasons why the state intervention for the promotion of autonomy might not be efficacious. We suggested two possibilities: one concerns the prisoner's dilemma and other problems of collective action, which we put to one side until chapter 6. The other concerns the epistemic argument for markets. We explored this, outlining Gray's

epistemic defence of markets, and showing how similar reasoning could apply to the problems of the central curriculum planners. Hence, we suggested this was a powerful objection to proposition 3, and hence a powerful objection to the state promotion of a curriculum for autonomy.

So where does this leave us with West's market model, and in particular, its curriculum? We weren't in general able to overrule in our discussion of education for democracy (chapter 3) objections to the state being involved in the promotion of that curriculum<sup>29</sup>. Now we arrive at the same position for the curriculum for autonomy. As noted in chapter 1, these two curricula are taken to embody what would be the main thrust of the 'political left's critique of our market model concerning the curriculum. So does this mean that we are not able to justify the fleshing out of the curriculum in West's market model? We could first note that there are other possible models for the curriculum, including such projects as education for law and order, education for economic growth, and so on, which we suggest are more likely to be the province of the 'political right' and hence outside of the scope of this thesis. But even so, could national curricula along these lines fare any better?

The suggestion here is that they could not, and for precisely the reasons we have already examined. For although the epistemic argument of the last section was framed in terms of education for autonomy, the same considerations could be used to argue against a national curriculum on *any* grounds. There would always be the same sorts of epistemic problems raised in terms of the knowledge requirements of the

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<sup>29</sup> There was, recall, one important exception to this.

curriculum planners, and the appropriate levels of decision-making about the curriculum<sup>30</sup>. The epistemic argument is a powerful argument not just against central economic planning, as Gray and Hayek have used it, but also against central planning of any sort *for the curriculum*.

So the conclusions of this chapter are that it seems unlikely to be viable to flesh out a curriculum to be promoted by the state for West's 'minimum adequate education for all'. Note that this doesn't mean that we can't have some very plausible ideas on what we would like the curriculum of a liberal education to be, only that it is unjustified to suppose that this could or should seek for these to be made compulsory by the state. In other words, the argument is that decisions about the curriculum should be taken away from governments altogether, and that in West's market model, the market can lead the curriculum too. This conclusion will feel very uncomfortable to those who seek centralised control of the curriculum, but further examination of the issues raised is beyond the scope of this thesis, as we are only exploring possible objections to the market model, not mounting a defence on its behalf<sup>31</sup>. But one powerful objection might be apparent, and has already been raised in chapter 1. That is, that however many problems, epistemic and otherwise, which are raised by the notion of a state-promoted curriculum, *democratic control* of the curriculum has an importance

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<sup>30</sup> For example, how could the required committee of experts possibly know how the economic needs of society in the next century could be translated into educational needs, especially given the pace of technological change? Can we know what sort of compulsory curriculum will alleviate the problems of lawlessness? And so on.

<sup>31</sup> Some issues will be raised in chapter 6, when we examine whether the curricula for autonomy and democracy could arise through individuals pursuing their own ends. For further discussion of the market alternative, see Tooley 1993a.

and value which would outweigh any of these admitted disadvantages. For the sake of democracy, control of the curriculum should not be left to the vagaries of markets, but should be made accountable to the people through the democratic process. It is to this important objection to which we turn next in chapter 5, before returning to the unresolved 'public goods' issues raised by our discussion of Raz in chapter 6.

## ***Chapter 5 Democratic control of education***

### ***5.1 Introduction***

We have examined two possible ways of fleshing out the curriculum for West's 'minimum adequate education for all', and found neither hold convincing arguments for allowing the state to intervene in this way. But rather than concede that this would imply leaving the curriculum to markets, opponents of markets could argue that whatever disadvantages there were with state-controlled curricula, the importance of democracy is such that we must seek democratic control of the curriculum. Indeed, such is the value of democracy, and such are the important links between education and democracy, it would be argued, we must seek democratic control of all aspects of education, including funding, provision, as well as regulation of matters including the curriculum - thus overriding all aspects of West's market model, as interpreted in chapter 1.

In support of this, we note that in the recent debate in the UK about allowing markets into educational provision, the argument for democratic control of education has featured very strongly. Three related strands of objection can be found in this critique. The first takes the value of democratic control as self-evident and views anything that undermines this as correspondingly deleterious. For example, Green notes that '[f]ree-market systems are also fundamentally undemocratic' (Green 1991 p. 65) - the implication being that this is an argument against them. The Hillcole Group suggest that under market reforms '[d]emocracy itself is what is being hunted to extinction.'



(Hillcole Group 1991 p. 21). A second strand points to issues that society needs from education, or from a common education system, suggesting that if there is not democratic control of education, these will not be met. For example, Ball notes that under the shift to market provision 'it will become extremely difficult to hold to any social or educational principles in the delivery of schooling.' (Ball 1990a p. 19). Pat White argues that allowing parental choice through market mechanisms will 'tend to sharpen the differences between people at the expense of attention to society's internal cohesiveness and the need to develop common bonds between its citizens.' (White, P 1988 p. 197).

Thirdly, and most commonly, the issue of accountability is raised. Ranson argues that decisions about education 'cannot be determined by individuals acting in isolation from each other. Thus education is a good which should be the subject of *public, collective, choice* which is *accountable* to the public as a whole (Ranson 1990 p. 16). Whitty argues that the market 'constitutes an attack on the very notion that collective action is a legitimate way of struggling for social justice.' (Whitty 1989 p. 339). Levitas notes that the 'neo-liberals' assume that 'greater accountability will always be achieved by limiting the role of government and increasing the role of the market ... The key question of accountability to whom, is never directly addressed, but some proposals seem likely to lead to limits on existing democratic rights.' (Levitas 1986 p. 83). Ball notes that with markets '[a]ccountability is thus narrowed from the effectiveness of a local education system overseen by the LEA, [local education authority] and managed to serve a whole community, to a set of single customer-producer relations.' (Ball 1990a p.19). The market raises the question of whether

schools are 'solely responsible to their individual parent consumers' or have 'another different responsibility to their community.' (Ball 1990b p. 10).

So do these objections hold? Is the need for democratic control of education - funding, provision and regulation - likely to be a powerful objection to West's market model? In the next section we will explore one argument for democratic control of education in more detail.

## 5.2 *Democratic control of education: an argument from political equality*

John White's argument for democratic control of the curriculum<sup>1</sup> has a long vintage, going back to his 1973 *Towards a Compulsory Curriculum*. In this section we use his writings from a variety of sources, as well as that of O'Hear and White (1991), the pamphlet published by the Institute for Public Policy Research (IPPR) already discussed in chapter 4.

Democratic control is *the* major focus of White's curriculum proposals. He argues that, without democratic control, one group of people, professional educationalists, will have control of an area which is of crucial importance to, and hence should be controlled by, all. O'Hear and White's formulation begins:

'The main argument for shifting from professional to political control of the broad framework of the curriculum is that questions about the aims and content of the curriculum are intimately connected with views about the kind of society we wish to live in. They are as much political questions as issues of taxation policy or defence.'  
(O'Hear and White 1991 p. 10).

Now, in an earlier work, it was clarified that there is not a *necessary* connection between something having political implications, and the need for political control (White 1981 p. 257). White agreed with the observation that 'a political theory may incorporate in itself the view that the agenda of matters deserving of government

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<sup>1</sup> We can extend his arguments to look at control of education more generally, including funding and provision, as we shall see.

control should be limited.’ (Dearden 1980 p. 153). So just because the curriculum is ‘intimately connected’ with a picture of the good society, it doesn’t *necessarily* follow that decisions about the curriculum must be made by the body politic. What is needed is ‘a review of the various contingent factors at a particular historical time’ (White 1981 p. 257), to ascertain whether or not political control is a good idea. Now what seems to have emerged in White’s writings is that the contingent factor is *democracy*: in a democracy, issues of *political equality* are paramount. The argument of O’Hear and White thus continues:

‘Every citizen in a democracy should have an equal right to participate in the control or exercise of political power in these and other areas. ... the citizenry as a whole, not the teachers, should decide the overall shape of school curricula.’ (O’Hear and White 1991 p. 10).

Does this emphasis on democracy give a strong reason for political control of the curriculum? We will look at two possible interpretations<sup>2</sup>: firstly is White (and O’Hear and White) arguing that in our present ‘democracy’ or in a similar society, democratic control is desirable? Or is the argument that it is desirable only in an improved<sup>3</sup> democracy? We will consider both cases. But first, let us be clear what is meant by the principle of political equality.

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<sup>2</sup> Recall, these interpretations were first noted in chapter 3.

<sup>3</sup> With improvements to be specified.

*The principle of political equality*

White's formulation of the principle of political equality is that every citizen should be able to have an *equal voice in political participation*. What does he mean by this? It would seem that he could have in mind at least the first, and possibly two or more of the following three criteria (adapting Dahl 1982 p. 6):

- 1     Voting Equality: (a) the expressed preferences of each citizen are equally weighted in determining the final solution of a collective, binding decision; (b) each citizen has adequate opportunities to make an informed and considered judgment on these matters; (c) the *demos* should include all adults subject to its laws.
- 2     Participation Equality: (a) each citizen has adequate opportunities for participation in other aspects of the democratic process, including putting matters on the agenda; (b) each citizen has adequate opportunities to make an informed and considered judgment on these matters.
- 3     Final control over the agenda: the citizens have exclusive authority to determine what matters are to be decided on using the above two criteria, and which can be delegated to other authorities to make decisions using nondemocratic processes - except that the citizens are not permitted to alienate their final control<sup>4</sup>.

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<sup>4</sup> This last criteria means that, for reasons of economy or efficiency, the citizenry can decide to delegate matters to particular experts or sub-committees to make recommendations or decisions.

We can see these three criteria as dependent on two distinct factors: firstly there are the *mechanisms of democracy*, the voting procedures, franchising arrangements, etc. Secondly, there are the *dispositional* and *intellectual* qualities of the citizens themselves. That is, for example, voting equality requires the opportunity for all to participate, their competence to participate, their desire to do so - all dispositional and intellectual qualities. But it also, and this is an aspect that is often missed by philosophers, requires that there be appropriate mechanisms in place to allow equality of voting as an outcome. We have already looked at the intellectual and dispositional qualities in chapter 3; in this section we mainly focus on the *mechanisms* of democracy.

In what follows I focus on the first of these conditions - voting equality - only. That is, I assume that, as I did in chapter 3, although there are many widely different types of institutions in which participation can take place, a common feature of all forms of democratic participation is the arriving at decisions through the act of voting (Riker 1982 p. 5). Democratic participation could require much more than that, for example, rational deliberation and discussion, lobbying and campaigning. However, casting a vote at the conclusion of this process, whether on the small committee, or in a national election, is a necessary, although certainly *not* sufficient, condition for democratic participation. That is, my suggestion is, that if political equality is being sought, then the first of these conditions will need to be satisfied.

Now, would White (*et al*) be seeking democratic control of the curriculum under *any*

democracy, for example, that in the UK?<sup>5</sup> I doubt whether that would be the case - for, because of the imperfections of the democracy in the UK, it is hardly the case that everyone has, or even has the potential to have, an 'equal voice' in deciding the curriculum, or other educational matters.

To see this, we can briefly examine a recent example of how a decisions was made around an educational issues, the decision to impose a national curriculum. The first National Curriculum came onto the statute books in 1988. However, since the mid-seventies there had been a debate about the benefits of a national curriculum. Politically this is always said to have commenced with the 1976 Ruskin College speech of Labour primeminister James (now Lord) Callaghan; the philosophical arguments can usefully be traced back to White (1973). Ball (1990c) shows how the educational bureaucracy (the DES, now DFE<sup>6</sup>) sought a national curriculum from the mid-seventies, and sought to bring it about whichever party was in power: Ball suggests it was likely to have succeeded in this aim. So already it can be seen that it was on the political agenda *whichever way* people voted in the ensuing elections.

Now, in the period between elections, various groups were actively campaigning for or against a national curriculum. These included the 'right'- and 'left'-wing think-tanks, the teacher's unions, and individual writers, etc. Note that these were all special interest groups, usually of educational professionals, consulting other

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<sup>5</sup> The UK is usually described as a democracy, and we will use that term loosely, as is the custom, to describe states which have elections for government officials, and other standard criteria (see Dahl 1982 pp. 10-11).

<sup>6</sup> Department of Education and Science, now the Department for Education.

educational professionals about curriculum matters. As the 1987 election approached, party manifestos were drawn up. Political parties liaised with their professional educationalists, and produced educational policies for the manifestos. The ordinary voter will have played no part in formulating these. In the case of the 1987 elections, the details on the curriculum in full covered half a paragraph. This seems hardly adequate for individuals to base their decisions on about such an important matter.

Next, the 'first-past-the-post' voting system does not in general produce a government elected by a majority of those voting, let alone of the electorate. So this would serve to undermine political equality, if it is understood that there is some relationship with this and majority voting (see below). Moreover, each voter could only vote once and for one party. So each voter will have voted on a variety of issues in the General Election, and will have been forced to conflate their vote on the curriculum with that on other issues. So some who approved one party's stand on the curriculum, might still have voted against that party, because they disapproved of other issues on the manifesto. The converse would also hold. So we have the situation in our democracy where decisions about the curriculum are likely to inform the decisions of only a very small minority of voters.

The process gets even further away from the democratic ideal, as the elected prime minister then selects a cabinet, and it is this cabinet that effectively sets the political agenda, with only a small amount of modification of that agenda by the Houses of Parliament. Moreover, if we follow the passage of the national curriculum legislation through the political process, we see how, increasingly, professional educationalists



impinge upon the process at all levels: they influenced the formulation of legislation - via the DFE, and lobbying of Parliament - and it was these professional educational bodies whom were entrusted with 'fleshing out' proposals, and carrying policies into schools. In the case of the 1988 Education Reform Act, various committees were set up to look at the curriculum proposals in each subject, and two new 'quangos'<sup>7</sup> were set up, the National Curriculum Council, and the Secondary Examinations and Assessment Council, to oversee the arrangements in curriculum and testing. These bodies further farmed out work to, *inter alia*, the National Foundation for Educational Research. All of these bodies are made up of educational professionals.

All of these factors undermine the notion that, in our democracy, there is political equality for citizens to participate in decisions concerning the curriculum. Moreover, this argument can be translated *mutatis mutandis* to an argument about democratic control of any other factors concerning schooling, including funding and provision of schools. The same processes would be at work in decisions made about any aspect of control of education.

I suggest that White would probably agree that there are these imperfections in our democracy, and that the difference between 'political' control and 'professional' control is very slight in terms of the formulation of the policy, and hence hardly an important justification for state control of the curriculum<sup>8</sup>. In both cases the same

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<sup>7</sup> Quasi-autonomous non-governmental organisations.

<sup>8</sup> Of course, with our definition of political equality above, it would be possible, using the third clause, for the 'demos' to decide to allocate responsibility for educational matters to the educationalists: but it is clearly not the case that the citizenry has in fact

sorts of institutions are at work creating and modifying the outcome. In 'political' control the role of the individual voter is simply to choose the party which chooses the executive which liaises with the 'professional' bodies to decide the curriculum. The voter also gets to ratify or reject this decision, amongst a myriad other decisions, by voting for or against the government at the next election. However, although democratic control of the curriculum remains a chimera as things stand, White would argue that therefore this is an argument for improvements to the democratic process, to bring it more in line with voting equality.

*A more democratic society?*

Firstly, could governments have behaved more democratically under our existing system, leading to a closer approximation to political equality of control over education? Again let us focus on the National Curriculum as an example.

Yes, it does seem that there would be potential for improving the consultation process through which the government introduced the curriculum. Instead of only sending out consultation documents to schools, and largely ignoring the albeit carefully coded and quantified results, the consultation process could have been extended to all interested parties, and the results of this could have had some binding force. The results then would have had to have been aggregated using some procedure, which would make this resemble a rather complicated referendum on the issue of the curriculum. Or, there could have been referenda on the selection of the members of the committees,

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decided to do this.

and further referenda to decide whether or not there was to be a consultation process, whether it was to be binding, or whether the committees were to be delegated to make their own decisions on these issues. So in principle, there don't seem, thus far, any reasons why there couldn't have been these piecemeal improvements in our current democracy<sup>9</sup>. Now crucially, what all of the suggested changes hinge upon is a dependence upon voting procedures: consultation and voting on proposals, referenda and counting of votes, aggregating comments about curricular matters, etc. We shall turn to possible improvements to voting below.

Secondly, could there be wholesale, rather than piecemeal, improvements to the democratic process? In this respect, a major recent focus from the 'political left' is on voting reform (see Labour Party 1993)<sup>10</sup>. So both of the suggested improvements to our democracy, piecemeal and wholesale, eventually depend upon *improvements to voting*.

The conclusions of this section then, is that although democratic control of educational matters under our present system has not been of a desirable kind - and certainly not in keeping with political equality, or removing professional control of the curriculum - it seems plausible that the democratic procedures could be improved in order to

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<sup>9</sup> Whether these could have emerged in practice is another matter: witness the reluctance of Parliament to have a referendum on ratifying the Maastricht treaty when it is known that 75% of the British public want one - *The Times* 2nd April 1993; However, let us sidestep this practical difficulty for now.

<sup>10</sup> Other areas of concern are to do with education for democracy, (already discussed) and devolution of power to local and regional governments, themselves with improved voting procedures.

alleviate this problem; a plausibility which we will explore in a moment.

A similar result - that democratic control is desirable only in an improved democracy, in particular one with improved voting systems - can be obtained by examining any of the other grounds frequently given for democratic control of education, namely, the argument from the educative impact of democracy, from the promotion of the general interest and, from the promotion of positive liberty. Parallel discussion on these other justifications can be found in appendix 4.

We turn, then, to this crucial issue of improvements to voting systems, to see how these conclusions stand.

### 5.3 *Improving Democracy by Improving Voting Systems*

Democratic control of education is sought, but this doesn't seem to be of much value in the kind of democracy as found in the UK. In particular, it doesn't seem to be of much value in promoting political equality. In part, this is a problem with voting systems. In an improved democracy, however, in particular, one with improved voting systems, democratic control would seem more desirable. So: can democracy be improved? In particular, can voting systems be improved so as to bring about the desirability of democratic control of education?

Let us be clear what improvements we are seeking: we want voting systems which ensure voting equality, (a necessary but not sufficient condition for political equality). Moreover, from appendix 4, taking into account other justifications for democracy, we also want people to more be able to participate, through referenda and more carefully pinpointed voting; and we want voting systems which can amalgamate individual preferences into the 'general interest' or the 'common good'.

It might seem odd for philosophers to have to ask the question of whether voting systems can be improved so as to ensure voting equality. Philosophers normally consider only what is desirable in democracy, not whether it is possible. But clearly, if something is not mathematically or logically possible, then we have to take this into account in our philosophical discussions. As Runciman suggests: 'it is feasibility which constitutes the crucial criterion by which a political argument may be settled; and it is such arguments which, if established, very often requires the abandonment

of a prescriptive political position.’ (Runciman 1962 pp. 39-40). Runciman notes that one of the works which it is essential that political theorists consider is that of Kenneth Arrow: ‘What sort of a theory of the General Will or of the Common Good it is worth trying to construct in the face of Arrow’s conclusions cannot be settled on the basis of Arrow’s conclusions alone; but no such theory ... is worth attempting at all which does not carefully take account of them.’ (p. 43). In this chapter, then, we follow Runciman’s advice on this issue. Now, Arrow’s theorem has been used by several commentators to raise questions about what is logically possible from democracy. We will turn to this in a moment. But to set the scene, let us examine the result which inspired it, the ‘paradox of voting’. This paradox as usually presented is somewhat contrived<sup>11</sup>, so I present it in a completely contrived setting, to avoid any pretence. However, in appendix 5, I look at some more realistic examples which illustrate in very general terms the kinds of problems that can arise from voting. Moreover, Arrow’s theorem generalises the ‘paradox’, as we shall see.

### *Contrived Example*

#### *Present for mum: the ‘paradox of voting’*

Three children, James, Rachel and Simon, want to pool their money to buy a birthday present for their mum. They talk about what they want to buy, and whittle it down to three options, flowers, chocolates or perfume. As they discuss this, each becomes aware of their own preferences for the presents:

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<sup>11</sup> The usual illustration is of a three voter society with options for three - conservative, liberal and socialist - candidates.

James: flowers, chocolates, perfume  
Rachel: chocolates, perfume, flowers  
Simon: perfume, flowers, chocolates

Being slightly precocious, they decide to vote on the options, before going shopping. First they vote on flowers versus chocolates. James and Simon prefer the flowers, Rachel prefers the chocolates, so she is outvoted by her brothers, and flowers goes through. They then vote on flowers versus perfume. This time Rachel and Simon agree on perfume, against James on flowers, so perfume wins. Hence they decide to go out and buy perfume as present for mum. This is James' least favoured option, but, disgruntled, he goes along with it anyway.

Any problems with this? Yes. We have seen that flowers beat chocolates, and perfume beats flowers. But we haven't seen what the preference is between chocolates and perfume. If this vote is conducted, we find that chocolates win! So chocolates were preferred to perfume. But this is confusing. We have chocolates were preferred to perfume; perfume preferred to flowers; and flowers preferred to chocolates. In fact this is a cycle of preferences, with no one option being preferred over any other. Choose one, and there is at least one other preferred to it. The choice has to be made, and perfume is as good or as bad as any other choice. But notice that the choice of perfume does mean that Simon got his way, and James not at all.

It may not seem surprising that we can contrive examples like this. But as can be

seen in appendix 5, there are examples of real political situations where it is suggested exactly the same thing is likely to have happened. Moreover, it is estimated that these cycles of preferences occur, with a large number of voters, about 10% of the time with three options, increasing to 25% of the time with 5 options, and nearly 40% with 7 options (Riker 1982 p. 122). That is, in an national election, say, cycles of preferences might occur in up to a quarter of all cases: in a quarter of all elections, it didn't really matter who was chosen for election, it could have been *any* party.

In fact it is even worse than that. For the presence of cycles means that the voters have the opportunity to misrepresent their preferences in order to achieve a more desired outcome. Go back to the siblings above. We noticed that James had the least favoured of his options chosen. Now suppose he had become aware before they voted, from their discussion and his knowledge of his brother and sister, what their preferences were<sup>12</sup>. Knowing a little about voting systems he realises that if he misrepresents his preferences, he can avoid the consequence of having his least desired option, perfume, bought for his mum. That is, if the voting preferences become as follows:

Insincere James:	chocolates, flowers, perfume
Rachel:	chocolates, perfume, flowers
Simon:	perfume, flowers, chocolates

Now in the first vote between flowers and chocolates, insincere James sides with

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<sup>12</sup> The analogy in political systems is awareness through opinion polls, canvassing, etc.



Rachel, and chocolates win. Then, in the vote between chocolates and perfume, (everyone voting sincerely) now chocolates win! So James, by lying about his preferences, has achieved his second choice, as opposed to his last choice. Again we see in appendix 5 how this could have changed the results of real political elections. These results are worth bringing forward here. What they show is that in two very important recent elections, the results, using plausible assumptions, didn't actually reflect the preferences of the voters concerned, but reflected more the vagaries of the voting systems used. The first example is of the election of Boris Yeltsin to the presidency of the Russian Federation in 1990, which had important repercussions for Russia, plausibly led to the breakup of the Soviet Union, the deposing of Gorbachev, the civil war in Yugoslavia, and so on. We found a plausible 'paradox of voting', with Yeltsin being preferred to Vlasov, who was in turn preferred to Polozkov, who was in turn preferred to Yeltsin! That is, there was no winner. Choose any candidate, and he could have been beaten by another.

Similarly, with the Eastbourne by-election of October 1990 in the UK, which again plausibly led to the downfall of another powerful leader, Margaret Thatcher. The example again shows, using feasible assumptions about real voters' preferences, that a cycle of preferences could have occurred. The Liberal candidate was chosen, but it could equally have been any of the other candidates, including the Conservative!

Let us be completely clear what these examples are saying. That the vagaries of these voting systems in each case brought about outcomes which, I suggest, offend our intuitions about the criteria which a voting system should satisfy. There seems to be

offence against political equality, for example. More simply, it seems *unfair* that if, for example, there is a cycle of preferences, that one party should be elected rather than another, and so on, particularly if the outcome of the process is not transparent to us. One's natural reaction to this is, I suggest, to think: these are *particular* problems with *particular* voting systems; so again what we need is improved voting systems<sup>13</sup>. However, it has been suggested that social choice theory, in particular, Arrow's Theorem, shows that *any* voting system will fall foul of similar results. Let's explore this now.

### *Arrow's Theorem*

The principle result of Social Choice Theory, Arrow's theorem, can be applied<sup>14</sup> to

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<sup>13</sup> Thoughts in the UK normally turn to some sort of proportional representation system.

<sup>14</sup> Social choice theory has a much broader frame of reference than just voting: Arrow wrote about 'social welfare functions' in general. The objects which are ordered in this general case are not candidates in an election, or policies in a referendum, but what Arrow called 'social states'. He defined these as 'a complete description of the amount of each type of commodity in the hands of each individual, the amount of labor to be supplied by each individual, the amount of each productive resource invested in each type of productive activity, and the amounts of various types of collective activity such as municipal services, diplomacy and its continuation by other means, and the erection of statues to famous men' (Arrow 1963 p. 17). Clearly, the sort of individual who has knowledge of every possible social state and can rank them in order of preference is an unlikely abstraction. Thus the *application* of Arrow's Theorem to a social welfare function in general could be - and has been - questioned. However, when it comes to applying the theory to voting systems, this same problem seems *less likely* to arise. For the 'social states' that people are then required to order in national elections, would be the candidates, (who could be seen as proxies for the complete social states that their being elected would result in). This information is more likely to be known by many individuals. Moreover, as we move 'down' to smaller exercises of democracy, e.g. committees, where the individuals presumably have uniform knowledge of the alternative 'social states', Arrow's conditions are even more likely to have plausible interpretations. So we will assume that Arrow's theorem does have a plausible interpretation in terms of voting. This consideration also incidentally undermines the argument that the market is also a form of social welfare

voting systems, from small committees to national elections. Arrow's theorem generalises and develops the 'paradox of voting'. His theorem states, when translated in terms of voting, that no voting system with three or more voters and three or more options can simultaneously satisfy five conditions which it seems *prima facie* reasonable to insist that a fair and meaningful voting procedure should satisfy.

These conditions, as reformulated in the 2nd edition of *Social Choice and Individual Values* (1963) are as follows:

Condition 1 (Unrestricted Domain):

'All logically possible orderings of the alternative social states are admissible' (Arrow 1963 p. 96);

Condition 2 (Unanimity, or Pareto Optimality):

'If every individual prefers x to y, then so does society' (p. 96);

Condition 3 (Independence from Irrelevant Alternatives):

'The choice between x and y is determined solely by the preferences of the members of the community as between x and y' (p. 28);

Condition 4 (Non-dictatorship):

The social welfare function is not to be dictatorial' (p. 30);

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function, subject to the same limitations. It might be, but only on the larger scale of the grand 'social states' - and no-one is likely to have that sort of knowledge of the market.

Condition 5 (Social Logicality):

The social welfare function produces a connected<sup>15</sup> and transitive<sup>16</sup> ordering for each set of individual orderings; (p. 19, p. 23);

These five conditions all relate to the social welfare function<sup>17</sup>; finally, on the domain of the function, it is also assumed that 'Individual Logicality' pertains, that is that individuals are able to order their preferences transitively, and that their preferences should be connected.

Arrow's theorem then shows that these five conditions are mutually incompatible (p. 97). That is, translated in terms of voting, no voting system can simultaneously satisfy these five conditions. That is, if things are as Arrow says they are, no voting system can be said to be fair. Now it might not be completely obvious why all five of these conditions need to be satisfied by any voting system, particularly condition 3: later we will explore all the conditions further. Before doing so, and in order to see what is at stake, we will turn to how the theorem has been applied to democratic theory. One particularly devastating and widely-influential critique of democracy, directly relevant to our discussion of the desired improvements of democracy, has been put forward by William Riker (1982), to which we turn first. We then examine, briefly, the argument of Nathan (1971) which suggests that the quest for political equality also comes up

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<sup>15</sup> That is, for any two alternatives, either  $x$  is preferred to  $y$ , or  $y$  to  $x$ , or the individual is indifferent between  $x$  and  $y$ .

<sup>16</sup> That is if  $x$  is preferred to  $y$ , and  $y$  to  $z$ , then  $x$  is preferred to  $z$ .

<sup>17</sup> Translated in terms of voting systems, the social welfare function is the voting system, and the domain of the function is the set of individual voters.

against the limitations of Arrow's theorem.

#### 5.4 *Riker and Nathan on the Limitations of Democratic Control*

We are looking at the desirability of democratic control of education. We noted that it only seemed desirable if there were improvements to democracy, and in particular, as a necessary part of this, improvements to voting systems. We observed certain difficulties with some voting systems, and introduced Arrow's Theorem, which claimed, when translated, that *any* voting system will come up against such problems. We haven't yet examined Arrow's Theorem in any detail - but we need to see what is at stake. In this section, we see how his theorem has been used by Riker and Nathan - arguments which we can interpret as undermining the claims made for the advantages of democratic control of education, as we shall see.

##### *Riker's Argument*

Riker begins by defining two interpretations of voting, the liberal and the populist, and then argues that since voting is a *necessary* condition for democracy, these define two interpretations of democracy itself (Riker 1982 p. 9).

The *liberal* view is that 'the function of voting is to control officials, and no more.' That is, popular elections of officials, for limited tenure, are the necessary and sufficient conditions for democracy. Popular elections ensure participation and equality, while limited tenure ensures liberty. Opposed to this view is the *populist* interpretation, that liberty through participation can only be obtained by 'embodying the will of the people in the action of officials' (p.11). The way to discover the general will is 'to compute it by consulting the citizens'. Thus the contrast between the rival interpretations is that, 'the populist view of voting, the opinions of the

majority must be right and must be respected, because the will of the people is the liberty of the people. In the liberal interpretation... the outcome of voting is just a decision and has no special moral character' (p. 14).

Now Riker uses social choice theory to argue that the liberal interpretation of voting is the only coherent one. He argues this in two steps. Firstly, social choice theory shows that there exists a wide variety of aggregation procedures by which the preferences of citizens can be incorporated into the social decision. None of these is an accurate reflection of the wishes of the people, simply because many of the procedures give different results from the same input. It might be thought that there were adequate criteria for fairness, and hence we could choose one particular method as the best. In fact, each of the conditions of Arrow's theorem, he says, seems to be a requirement for fairness, and Arrow's theorem proves that not all of them can be simultaneously satisfied. Hence we are left with no adequate way of choosing between voting procedures which give different results. In fact, it is slightly worse than that, since 'even if some method produces a reasonably justifiable amalgamation, we do not know it' (p. 235). This is because in most methods in common use, there is not enough information collected on preference orders to show how the outcome might have differed using another aggregation procedure. So we may have a clear 'winner', but not be able to say that under a different procedure the outcome would be the same.

Suppose, however, that citizens do decide that particular methods in particular circumstances are suitable, in a sense *defining* the outcomes of these methods as fair.

Then still we know - because of corollaries to Arrow's theorem - that all outcomes in a democracy can be manipulated - we shall see examples of this in a moment. So even if the procedure is fair in this sense, still the outcomes of that procedure will have dubious value.

The second step is to observe that since the essence of populism is that 'governments ought to carry out the will of the people', then since we can never know what the people actually want, because all aggregation procedures are flawed, then populism is untenable.

Riker argues that the liberal interpretation, however, survives 'although in a curious and convoluted way' (p. 241). Liberalism holds that 'voting permits the rejection of candidates or officials who have offended so many voters that they cannot win an election' (p. 242). The kind of democracy that is possible, given the constraints of social choice theory, is 'an intermittent, sometimes random, even perverse, popular veto' (p. 244), close to Judge Learned Hand's 'counting heads is better than breaking heads' maxim.

#### *Modification of Riker's argument*

In order to make Riker's argument directly applicable to the case under scrutiny - democratic control of education - a couple of minor modifications are required. His 'liberal' and 'populist' interpretations of democracy seem excessively polarised, and moreover do not seem amenable to applications of democracy outside of periodic elections in the nation state. For a start, the 'populist' definition is deliberately



couched in the terminology of Rousseau, involving the notion of the 'general will'. At one point Riker seems to be suggesting that all populists are in fact followers of Rousseau (p. 11). But there is a long tradition of philosophical critique of Rousseau by theorists who could nevertheless not be considered supporters of Riker's liberal interpretation.

Why indeed does Riker need to lumber himself with this extreme polarisation? On close inspection it seems that Riker is really seeking to differentiate his 'liberal' interpretation of democracy from any of the others that might be offered. He wants to exclude those interpretations of democracy which espouse the importance of political equality, or some notion of the importance of the participation process in educating citizens, or those interpretations which connect the outcome of the voting decision arrived at through the democratic process with what the people really wanted. So what Riker really intended was to make a distinction between his 'liberal' and *non-liberal* interpretations of voting. As a modification to Riker's argument, it is this distinction that will be used here, that is, accepting his 'liberal' interpretation, and taking the second category to include every interpretation of democracy not covered by it.

There is one further slight modification needed: the results of social choice theory are applicable to voting in any institution, from small committee to national elections. Riker's liberal interpretation does not as it stands reflect this. Hence, here we re-define the liberal interpretation of voting as being the view that the function of voting is to arrive at a decision whenever consensus cannot be reached (or indeed to discover if

consensus has been reached), and no more. This decision could include controlling officials, to equate it with *Riker's* liberal interpretation, but it could also include individuals themselves participating in the decision-making of, for example, a local housing trust, or union. The non-liberal interpretation then is any other interpretation of voting, again in small and large-scale democratic institutions.

Given these modifications, Riker's can be translated to our concern with democratic control of education. Our concern has been with improvements to democracy which (a) ensure voting equality; (b) enable more sensitive voting to take place, through referenda and/or carefully pinpointed voting; (c) ensure that voting outcomes amalgamate individual preferences into the 'general interest' or the 'common good'. The last, (c), is easiest to deal with: Riker's argument says that improvements to democracy which try to make the aggregation process reflect the preferences of individuals cannot do this fairly - if by 'fairly' we mean being consistent with all of the conditions of Arrow's theorem (see below). But (b) is also similarly challenged: for again, changes to democracy which allowed carefully-framed referendum questions to be posed would not be considered as 'improvements to democracy' if the amalgamation processes used to combine individuals' preferences were not considered to be fair. Improvements along the lines of (a) are harder to put into Riker's argument; but an analogous argument has been constructed by Nathan showing precisely that political equality is logically impossible given the assumptions of social choice theory.

*Nathan on the impossibility of political equality*

Nathan argues, using social choice theory, that political equality is not possible because of the limitations of voting procedures. He considers the formal conditions required in order for political equality to be achieved: 'If the approval of a set of voters is a necessary and sufficient condition for the promulgation of a law, and the voting rule is such that each voter has an equal chance of finding himself in agreement with the result which the voting rule registers, then we can say that the voters have positive and equal amounts of political power.' (Nathan 1971 p. 108). For this condition to be satisfied, the following need to hold: '(a) no individual is deprived of the chance that this will happen just because his opinions are what they are; (b) no individual is deprived of the chance that this will happen just because he is who he is.' (p. 109).

Now, for (a) to be satisfied, we would need the voting system to satisfy Arrow's condition 1 (Unrestricted Domain), for 'all logically possible orderings' of preferences to be admissible; if this wasn't the case, then an individual might be deprived of the chance of being in agreement with the outcome of the voting process. It must clearly satisfy condition 2 (Unanimity, or Pareto Optimality); moreover, it must satisfy condition 3 (Independence of Irrelevant Alternatives), since without this 'voters with certain options may be able to increase their influence by reporting a preference different from that which they actually hold.' (p. 110).

For (b) to be satisfied, Arrow's condition 5 (Logicity) needs to hold, otherwise the presence of cycles means that the person who sets the agenda can determine the

outcome, hence leading to political inequality. Finally, the voting system must not violate a Non-dictatorship condition, viz. 'There is necessarily no individual such that his preference ordering of any pair of individuals always reappears in the social ordering yielded by the function, regardless of the preferences of the other individuals' (pp. 99-100).

So Nathan's argument suggests that satisfying political equality comes up against the logical constraints of Arrow's Theorem. That is, returning to our argument from Riker, Arrow's Theorem and its corollaries suggest that democratic control of education will neither be able to achieve voting equality, nor ensure the fair amalgamation of preferences into a social choice, and hence not satisfy the need for more carefully pinpointed voting.

### 5.5 *Questioning the Conditions of Arrow's Theorem*

The arguments of Riker and Nathan outlined above would seem to have a devastating impact on desires to see improvements to democracy, and hence for our desire for democratic control of education. The arguments, of course, depend upon the feasibility of the application of Arrow's five conditions to voting systems, and in particular on the fact that they reflect our intuitions about what would make a voting system fair. We need to turn to examine these conditions to see if this holds.

Now Arrow thought that his conditions revealed value judgements about the construction of the social welfare function, (Arrow 1963 pp. 30-31); Indeed he argues that they can be interpreted as value judgements of a society's 'choice of constitution' (p. 105). Hence, as value judgements they can 'be called into question' (p. 31). He also accepted that some of these conditions were less self-evidently conditions of fairness than others, and hence in need of justification. Other philosophers and economists have engaged in the debate to see if some of the conditions could be relaxed or circumvented, and hence leave open the possibility of the existence of a social welfare function in general, or a fair voting system in particular<sup>18</sup>. We briefly consider each of his conditions.

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<sup>18</sup> Some examples of this extensive literature are Sen (1970), Brown, D.J. (1975), MacKay (1980) and Buchanan (1954) on the Logicality condition; Slutsky (1977) and Plott (1976) on the Unrestricted Domain condition; and MacKay (1980), Bergson (1954) and Hansson (1973) examining the Independence of Irrelevant Alternatives condition.

*Unrestricted Scope*

The justification for this condition is based on freedom of choice (Mueller 1989 p. 392). Each individual should be free to put candidates in any order in his or her order of preferences. However, this leads to the creation of 'cycles of preferences', so can it be avoided?

One way is to suggest that not every possible preference profile is logically coherent, and hence in practice some profiles will not be held by anybody. This is certainly true from time to time. For example, a parliament is considering how to deal with rapists, and three alternatives are offered: (a) physically torture them, (b) mentally torture them, and (c) condone them. Then the preference profile 'b c a' is probably incoherent and might not be held by any representative. Unfortunately, all this example shows is that in particular instances, unrestricted scope is unnecessary and hence in those instances, Arrow's theorem is irrelevant. However, in the great majority of voting situations, all preference profiles are coherent, and hence unrestricted scope must be allowed. For example, in the Eastbourne by-election example of appendix 5, it was rational to hold each of the preferences outlined.

Mueller (1989 p. 392) suggests two other ways of avoiding the Unrestricted Scope condition: either impose restrictions on the types of preferences voters are allowed to have, or allow only those with certain preference orders to be part of the 'demos'. For Duncan Black showed that if preferences can be illustrated graphically as a series of 'single-peaked' curves, then a cycle can be avoided (Riker 1982 p. 124). That is, it is needed for voters to agree that one of the alternatives is not the worst. For

example, two voters could be in complete disagreement about choices  $x$ ,  $y$ ,  $z$ , putting them in the following orders:  $x y z$ ;  $z y x$ . But at least they are agreed that  $x$  and  $z$  are at opposite ends of the spectrum, and that  $y$  is in the middle.

Could it be reasonable to insist that voters are allowed only these types of profiles? It is a very strict criterion. Issues must all be of a one dimensional type, that is the number of guns, the amount of butter, the number of state hospital beds. All voters must be able to arrange these choices in a 'single-peaked' way, 'no guns' always at the opposite end of the spectrum from 'a very large number of guns'. Furthermore, voters could only simultaneously be asked to decide between different issues - the number of guns and of beds - if these issues were recognised by everyone as being on the same political dimension. These seem to be impossibly strict requirements (for further discussion see McLean 1987 pp. 118-122).

### *Independence from Irrelevant Alternatives*

This is the most controversial of all Arrow's conditions. This condition requires that social orderings of a given set of alternatives depend only on the set of the individuals' preference orderings of those alternatives. This has two important implications:

- (1) the social choice does not depend on intensities of preferences.
- (2) the social choice does not depend on preference orderings of alternatives not in the particular set under consideration.

The first prohibition (1) will not be considered in detail here. Basically, standard objections to interpersonal comparisons leads to the conclusion that, while it might be desirable if intensities of preference could be taken into account, there is no obvious non-arbitrary method by which it could be done (MacKay 1980 chapter 3).

The second prohibition (2) is more relevant here. This does not prohibit a voter from forming his or her ordering of preferences based on 'irrelevant' alternatives. For example, I would have been permitted to order Mrs (now Lady) Thatcher ahead of her opponents because I preferred the colour of her eyes, or because I did not want to see Mr Kinnock elected as primeminister: I would have been permitted to do this even though colour of eyes have nothing to do with politics and Mr Kinnock was not on the electoral list in the Finchley constituency. What the Independence condition does rule out is for the *aggregation* procedure to take into account these sorts of issues, the obvious one being other candidates not on the voting list.

How is it possible for the aggregation procedure to do this? One example in appendix 6 shows how it can happen. Now Arrow suggested that these types of situations as described in the appendix should be ruled out because 'to assume otherwise would be to make the result of the election dependent on the obviously accidental circumstance of whether a candidate died before or after the date of polling' (Arrow 1963 p. 26). In fact, a much stronger case can be made than that. For in the second example given in appendix 6, the situation is that, if one candidate withdraws from an election, it is possible that the outcome of the voting process can be totally reversed. In the example given, with four candidates, a, b, c, and d, the first vote gave c as the winner,



followed by b, a and, in last place, d. If d withdraws from the contest, ('for whatever reason'), then the outcome is completely reversed, with a the winner, followed by b and c! Crucially, this type of situation makes it possible for *manipulation* of the voting procedure to emerge. For example, candidate a could try to persuade d to withdraw. Conversely, c could try to persuade d to stand! It is because of this danger that the Independence condition is important. And it is not just in rare odd examples like this that the situation arises: Gibbard (1973) and Satterthwaite (1975) have proved, in corollaries to Arrow's theorem, that *satisfying the Independence condition is logically equivalent to being immune to manipulation* in this way (Mueller 1989 p. 395).

So Dummett (1984 pp. 52-6), Barry and Hardin (1982 p. 226), and Nathan (1984) are all misguided in suggesting that this condition can be disregarded. None of them acknowledge the importance of the condition in avoiding strategic manipulation of this kind.

### *Individual Logicality*

Is it demanding too much that individual's political preferences be transitive and connected? The usual counterexample to transitivity concerns a person's sensitivity to amounts of sugar in a cup of coffee (MacKay 1980 p. 50). A parallel political example might concern preferences over taxation rates. Suppose I am indifferent between zero taxation and 1% taxation, between 1% and 2%, and so on up to still being indifferent between 49% and 50% taxation. But clearly I would not be indifferent between zero taxation and 50% taxation. This is a tempting example of

non-transitivity of political preference. However, the problem is more subtle than that.

There seem to be two distinct ways in which I could be indifferent between 1% and 2% taxation, (or between one and two grains of sugar in my coffee). I could be indifferent between them because, although I can tell them apart, their 'detectable differences' do not matter to me. Or, I could be indifferent between them simply because I cannot tell them apart. It is the latter type of indifference that seems to be at work in both the examples above. That is, it is not really indifference itself which is not transitive, but the underlying discrimination of what the differences are. As soon as the perceptual discrimination is present, then the plausibility of the examples disappears. For example, all I was saying was that 1% of my income is so small that I wouldn't notice the difference between having it taken away in tax or not. But if, with some level of taxation, my outgoings exactly match my net income, then, with taxation only 1% higher, I would have to do without some item that I had budgeted for. That is, I could discriminate between 1% difference in taxation because it would mean going without, say, a newspaper each day. At the point where I can discriminate, the difference becomes apparent and important.

The suggestion is, then, that individual transitivity of political preferences is a realistic requirement, provided that people can discriminate between different political outcomes. (Exactly parallel arguments apply to the requirement of connectedness).

### *Social Logicality*

If it is desirable that individuals should have transitive and connected political

preferences, can the same be said of society as a whole? Arrow's reasons for requiring social transitivity are twofold:

- (1) That a social decision needs to be made, and without transitivity, cyclical outcomes such as the 'paradox of voting' can result, (Arrow 1963 p. 118)
- (2) That a social decision be independent of the particular 'voting path' taken to reach it (p. 120).

The need for (1) seems clear enough. If we are policy makers and we discover that society prefers  $x$  to  $y$ ,  $y$  to  $z$  and  $z$  to  $x$ , then we do not have clear guidance as to what to do. (Observe that doing nothing in these situations is not the alternative: cyclical outcomes are not the same as social indifference).

Although it has been shown by social choice theorists that (1) does not actually require transitivity, the alternatives proposed lead to comparable results to Arrow's theorem: instead of the non-dictatorship condition being violated, power is given instead to an oligarchy or to a 'collegium' with veto power. (Riker 1982 p. 132).

Secondly, Path independence (2) is necessary to ensure that 'the preferences of the participants (rather than the form of or the manipulation of the social choice mechanism) determine the outcome' (Riker 1982 p. 132). If this was not the case, then those with the power to control the agenda will be able to choose the path which favours them. Again, this requirement doesn't require the full force of transitivity, but again, the alternatives are no help in avoiding the thrust of Arrow's theorem.

So, transitivity itself does seem to be an important requirement. Is it overstating the case to say that it is a requirement for fairness however? Mueller argues that it is a common practice for small communities to flip a coin, or draw lots, to resolve issues of conflict. If all who engaged in this random device accepted it as fair, then wouldn't the process indeed be fair? The point is not that society would decide all issues in this way, but only those which didn't obviously have a clear conclusion. In this case, then '... the Arrow problem is solved' (Mueller 1989 p. 392). Is it so simple however?

What Mueller neglects is, again, that this brings in the problem of manipulation. If an alternative which my group does not favour is about to be chosen, then it is in our interest to introduce *other* alternatives which could bring a cycle. Or it is in our interests to misrepresent our preferences, to the same effect, or to control the agenda. Riker has devoted a small book to showing examples of how manipulation of this sort is likely to have, or has occurred, in American politics (Riker 1986). Moreover, in an important corollary to Arrow's theorem, McKelvey (1976) has shown that 'individual preferences are such as to produce the potential for a cycle with sincere voting under majority rule, then an individual who can control the agenda of pairwise votes can lead the committee to any outcome in the agenda space he chooses.' (Mueller 1989 p. 88). Once again we are back with the problem of one of Arrow's conditions, this time transitivity, being necessary to prevent manipulation.

Each of Arrow's conditions discussed thus far does seem to be a requirement which we are likely to demand from any voting system, as Riker pointed out. The situation seems quite devastating to those who seek improvements to voting systems, for the

only two conditions yet to be examined, unanimity and nondictatorship, have been seen to be the most intuitively acceptable. For example, Vickrey writes: 'functions that violate either the unanimity or the nondictatorship postulates are of relatively little interest: they hardly deserve the name of social welfare functions at all' (Vickrey 1960 p. 513). Mueller agrees: 'Relaxing unanimity and nondictatorship hardly seem worth discussing if the ideals of individualism and citizen sovereignty are to be maintained' (Mueller 1989 p. 388). Barry and Hardin write of the non-dictatorship condition: 'This condition presumably requires no justification' (Barry and Hardin 1982 p. 216). Finally, Riker writes in similar vein: 'the moral significance of this condition is obvious' (Riker 1982 p. 118)<sup>19</sup>.

If we do accept these conclusions, then they point to Riker's and Nathan's arguments being quite strongly vindicated. Hence, this would seem to undermine the demand for democratic control of education - in terms of control of funding, provision and regulation (including regulation of the curriculum). If we accept Riker's argument, then we are agreeing that democracy can't deliver political equality, nor can it enable votes to reflect the amalgamation of interests, nor would it make much sense for individuals to become better informed about issues to be voted on - all because voting is inevitably flawed in the ways pointed out.

Many will feel uncomfortable with this conclusion. In particular, it might be felt that there may be difficulties applying abstract social choice theory to real situations.

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<sup>19</sup> I myself wonder about the non-dictatorship condition. My doubts are expressed in appendix 7. They are controversial, and need airing in the academic literature before I could feel confident that they are of any significance.

Moreover, it has been noted, after all, that each of Arrow's conditions has been questioned, and perhaps the comments given earlier do not adequately summarise the strength of the objections to the conditions. *Perhaps* the objection to democratic control of education using Arrow's theorem wouldn't be sustained under a more thorough mathematical or conceptual treatment? Again, let us assume that some fault could be found. Let us suppose that the case against, say the Independence of Irrelevant Alternatives condition could be sustained, overcoming the difficulties with this approach outlined earlier<sup>20</sup>. Would this then undermine Riker's revised argument above, and leave the way open for arguments stressing the desirability of democratic control of education? The argument, unfortunately, is still not so easily made. For what we would be saying is that there is a voting system which satisfies (say) four out of five of Arrow's conditions<sup>21</sup>, and that voting system could be fair and satisfy what we seek from democratic control of education. But one problem is: do we know what such a voting system is? All we would be assuming is that it is logically possible to have one, not that we have found it. Worse still, it is highly unlikely that such a voting system will not satisfy *other* characteristics which are also sought from voting systems, in particular, the need for comprehensibility. For as soon as voting systems are designed which make any genuflections towards satisfying Arrow's conditions<sup>22</sup>,

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<sup>20</sup> Or perhaps my case against the Non-Dictatorship condition could be maintained. Alternatively, we could take a second way out and reject the whole social choice theory approach, perhaps objecting to the notion of knowledge of 'social states', even in the revised form noted in footnote 14 above.

<sup>21</sup> Or if we were pursuing the second option, of rejecting Arrow's approach altogether, then we would point out that there is a voting system which doesn't fall into any of the more blatant inconsistencies of voting systems - some examples of which have been given already (for more details see Riker 1982 and 1986).

<sup>22</sup> Or to overcoming other of the inconsistencies exhibited by voting systems.

they become inordinately complicated (see for example Dummett 1984, Mueller 1989)<sup>23</sup>. A system so hard to understand might be highly undesirable in a democracy, alienating people from the system, and of course, itself far more open to abuse and manipulation from outside<sup>24</sup>.

We have here a dilemma. If we want our voting system to be more democratic, able to satisfy voting equality, or to enable people to vote in frequent referenda, or to satisfy the general will, then we will need, because of Arrow's theorem<sup>25</sup>, a very complicated voting system. This is likely to have the effect of alienating voters, who do not understand that it is fair, who, moreover, feel that they are not being given political equality, or a chance for participation, because they cannot comprehend how the system works. There is always likely to be the suspicion - perhaps justified - that the system has been manipulated from outside. Hence a system that *is* more democratic (in terms of, say, promoting political equality) is highly likely to be perceived by the people as *not* being so! But on the other hand, if we have a simpler voting system, then we will run up against the problems of Arrow's theorem<sup>26</sup>, and hence violate voting equality, etc. We will return to this dilemma shortly.

However, before doing so, it is worth noting a related set of theoretical objections to

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<sup>23</sup> It is said that the Danish voting system is only understood by 34 people - and even that system does not satisfy even four out of five of the conditions of Arrow's theorem!

<sup>24</sup> We are here talking about manipulation in the sense of officials rigging results, etc.

<sup>25</sup> Or to overcome the inconsistencies in voting systems noted earlier.

<sup>26</sup> Or against inconsistencies within voting systems.

democratic control which could be used in an analogous way to argue against democratic control of education, namely those of *public* choice theory. Particular objections in this area could concern 'rent-seeking'<sup>27</sup> and 'logrolling'. We will look briefly at the last of these, but bear in mind that related criticisms could come from consideration of the first also.

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<sup>27</sup> Rent is monopoly income generated by governments through, *inter alia*, licensing; rent-seeking is thus activity by interest groups seeking opportunities to acquire, or to create, this income. Public choice theorists generally think it is deleterious to the economy: 'it seeks to destroy opportunities for voluntary exchange or production, and uses up resources in the process.' (Hughes 1993 p. 44).



### 5.6 *Logrolling and Democratic Control of Education*

Logrolling occurs in voting when a particular minority with a strong preference for a particular policy, X, say, enlists the support of those without particularly strong preferences on X in order to get it passed; in return that particular minority gives its support on other issues, W, Y, Z, say, on which it doesn't feel so strongly, to help others with strong preferences for these issues to get them passed: it is a question of 'I'll scratch your back, if you'll scratch mine.' This process happens frequently in 'democracies' such as the UK and the USA, when policies get selected to be included in party manifestos - with various factions with strong feelings about some issues agreeing to other issues they don't like very much, if others subsequently agree to the inclusion of *their* ideas. It happens when issues are taken to Parliament and to committees. It affects which issues are promised around election time (Tullock 1976).

Now, I want to suggest that there seems to be a *prima facie* case, firstly, that logrolling undermines the principle of political equality. For the argument of O'Hear and White (1991) said that the importance of political equality was because it allowed all citizens to have an equal say in deciding, in their case, the curriculum (relevant to deciding on other educational matters), rather than only professional educationalists. However, the intuitive idea about logrolling is that it occurs precisely when a minority interest group (for example, professional educationalists) persuades another group to vote against its preferences, in return for favours elsewhere; so the intuitive idea is that this might well violate O'Hear and White's intuitions about political equality. This isn't just White and O'Hear's position of course: for example, Honderich argues that one of the important features justifying democracy is precisely that minorities in

the society should not be able to force decisions upon government (Honderich 1980 pp. 148-9). Moreover, it would also seem to be the case that logrolling also undermines the other justifications for improvements to voting systems outlined earlier: because logrolling brings out the possibilities for manipulation, through causing cycles, hence undermining the fairness (in Arrow's sense) of the voting systems. For logrolling 'entails strategic voting, sometimes on a heroic scale. People form logrolling coalitions by offering to vote against propositions they actually favour. Those excluded then try to form alternative coalitions by offering to vote against propositions *they* favour. Those now excluded try to get back into a winning coalition by offering yet other strategic votes. The process is almost bound to produce cycles *even if members' true preferences are not cyclical*' (McLean 1987 p. 185). Moreover, how could it be argued that the general interest was being promoted if it was only a minority group's interests that were being promoted? In detail, we will see if the intuition regarding political equality can be formalised.

Suppose there is a minority subgroup G of an electorate A. G *strongly supports* proposal X over proposal Y; a majority subgroup H of the electorate A *mildly prefers* Y to X. So if the proposal X was put to the electorate as it stands, it will fail, because H casts more votes than G. However, allow logrolling to take place, and, let us say, X is passed. (How does this occur? - It could occur if G was able to persuade some part of the majority H to vote with it, in return for G voting with this other group some other time) Does this offend political equality?

First of all, if X was passed without logrolling, could we say that *this* offends political

equality? The position would then be that a minority is able to have its preferences override the majority's preference. Clearly this offends majority rule, and hence political equality considered in terms of equal weight given to each voter<sup>28</sup>. Now if logrolling takes place, the minority G persuade a subgroup of H to vote with it, to carry the proposal. Call this subgroup F. They could do this by straightforward bribing, as in Tullock's examples (1988 chapter 1), or by promising to vote on issues which concern members of H. Crucially note that this subgroup F still prefers Y to X. That is, there is still a majority in favour of Y over X<sup>29</sup>. So we *can* say that a minority opinion has ruled over the majority, and hence that political equality is offended.

If this argument was not to further undermine the desire for democratic control of education, then the crucial question is whether logrolling could be eliminated in an improved democracy. In order to see this, let us look at Tullock's account, where he

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<sup>28</sup> Note that Downs defends majority rule on the grounds of political equality: 'The basic premise behind simple majority rule is that every voter should have equal weight with every other voter. Hence, if disagreement occurs, it is better for more voters to tell fewer what to do than vice versa. The only practical arrangement to accomplish this is simple majority rule. Any rule requiring more than a simple majority for passage of an act allows a minority to prevent action by the majority, thus giving the vote of each member of the minority more weight than the vote of each member of the majority. For example, if a majority of two-thirds is required for passage, then opposition by 34 percent of the voters can prevent the other 66 percent from carrying out their desires. In effect, the opinion of each member of the 34 percent minority is weighted the same as the opinion of 1.94 members of the 66 percent majority.' (Downs 1988 p. 20). The figures he has used are that  $34 \times 1.94 = 66$ . Whereas with majority rule, of course, the cut-off figure is 50%, whereby each voter has equal weights at that point.

<sup>29</sup> Of course some might want to argue that F now actually prefers X to Y. This would be by equating their preferences with their voting. However, if this option was taken then we would always have to say that strategic voting was sincere, which is a path we do not want to go down.

points out the conditions under which logrolling can occur. He notes that it cannot occur if there is a standard referendum on a simple issue: 'The voter cannot trade his vote on one issue for votes on others because he and his acquaintances represent too small a part of the total electorate for this to be worth the effort involved. Further, the use of the secret ballot makes it impossible to tell whether voting promises are carried out.' (Tullock 1988 p. 9). In a simple referendum, then, it certainly seems unlikely that groups of, for example, educationalists, could go around asking voters to vote for their proposals, and in return they would vote for, say, mineworkers on matters that interest them. (It is not impossible, but unlikely, for the reason given). However, Tullock notes that logrolling can occur in two cases: firstly 'where a rather small body of voters vote openly on each measure; this is normally to be found in representative assemblies, but it may also be found in very small 'direct democracy' units.' (p. 9). Here trading of votes is easy to arrange and observe. Secondly, what he calls 'implicit' logrolling can take place 'when large bodies of voters are called on to decide complex issues, such as which party shall rule, or a complex set of issues presented as a unit for a referendum vote.' (p. 9). In this 'implicit' logrolling, exactly analogous processes to the formal trading of votes goes on within the group which sets the agenda for the referendum or election.

Which of these types of decisions are likely to occur in our improved democracies?

Consider, first, a much improved democracy, where voting satisfies four out of five of the conditions of Arrow's theorem<sup>30</sup>. It could be that in this improved democracy,

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<sup>30</sup> Note that here we are considering only the technical requirements of democracy, which are of course necessary but not sufficient conditions for political equality to be met - for citizens would also need time, volition, education etc. before we could say

decisions about education (which we shall continue to focus on) are taken by elected representatives, or they could be conducted in a form of direct democracy through referenda. It transpires that each of these cases brings in difficulties of logrolling, even in this improved democracy. We will consider three cases: (1) a representative democracy with directly accountable representatives; (2) ditto without directly accountable representatives; and (3) a direct democracy.

1 *representative democracy with directly accountable representatives*

Here, political equality would be satisfied if there was a simple yes-no vote, conducted by a secret ballot of the constituents. This is Tullock's position, which we won't question here. But wait: who decides on the question to be asked? For if there was to be equal participation by the voters in the constituency, then the problem of logrolling is likely to emerge. If it was decided by the representative, then he or she might be accused of overriding political equality. If it was decided by the body of representatives, then again logrolling is likely to emerge. Whichever way, political equality is likely to be offended.

2 *representative democracy without directly accountable representatives*

Next suppose that the representative body is not directly accountable to its constituents as above. They are now representatives in the sense that they can make decisions on their own volition, bearing in mind their constituents' views but not tied to them. Issues now come up in the representative assembly about education (the curriculum, or financing, or provision). Now if every one of these representatives was

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that political equality was met.

(approximately equally) interested in education, then no logrolling would take place. However, as soon as some of these representatives are more interested than others, then it is very likely that logrolling will occur. That is, some of the representatives will be asked to vote for others on issues concerning education *which they wouldn't otherwise have voted for*, provided that they in turn are given support for other issues which concern them. Note that now the representatives who are most likely to want to influence decisions about education are those who are influenced by lobbying from the educationalists, or others with a political stake in education. In other words, as soon as logrolling is introduced, this is likely to lead to a skewing of political authority, over educational matters, to the educationalists, precisely what White sought to avoid!

### 3 *direct democracy*

In an improved *direct* democracy with referenda, again we can say, following Tullock, that if the referendum questions were of the '*simple* yes-no' type, and there was a secret ballot, then it is unlikely that logrolling could occur, and political equality could be ensured, if the voting systems satisfied all the conditions as above. But again we can say that decisions about education are not likely to be of this simple type. For example, there could be a simple question: 'do you want a National Curriculum?'. This would fit in with the above requirement and would avoid logrolling. But as soon as there were moves towards fleshing this out, then the issues are likely to be more complex - for example, what combination of subjects, what is to be included within these subjects? etc. - and it is then that logrolling could emerge, in setting the agenda for what the complex questions were going to be.

My argument is, then, that logrolling undermines political equality in precisely the way that White thought that democratic control could support it. If logrolling cannot be avoided, then democratic control of education is always likely to mean governments and parties kowtowing to the minority group with a particular interest in education. In other words, democratic control of education, with implicit or explicit logrolling, is likely to mean something very similar to professional control of education!

Now of course, it could be argued that logrolling in all three of these cases could be avoided, if there were (a) tight enough constraints on representatives acting against the wishes of their constituents; and/or (b) prohibition of vote-trading for logrolling (or restrictions on lobbying of representatives). These would seem rather draconian measures, which crucially would increase the complexity of the voting system. Nonetheless some might want to see them introduced, if what was at stake was the principle of political equality. But this brings us back to the issue of complexity of voting systems mentioned earlier - and the related dilemma, to which we return.

### 5.7 *Democracy versus Markets*

It is time to take stock, draw these issues together, and to return to our earlier dilemma. How did we arrive at the dilemma? We argued first that, a serious objection to West's market model was that it would not allow for democratic control of education: and whatever the problems with the state being involved in the curriculum (or funding or provision of education), democratic control was of high enough value to override these difficulties. Next we argued that, if democratic control of education was to achieve what was sought from it<sup>31</sup>, we needed an improved democracy. Improvements to voting systems were a necessary (although not sufficient) condition for improvements to democracy. But social choice theory (Arrow's theorem and its corollaries) and public choice theory (e.g. logrolling) cast doubt upon whether these desired improvements are *logically* possible. That is, changes in voting systems will not make democracy more able to deliver political equality, nor facilitate a participatory democracy, and so on. But more importantly, even if they were logically possible (if, that is, we could override one or more of the conditions of Arrow's theorem, or overcome the problems of logrolling), the desirable characteristics sought from democracy could only be achieved if voting systems were highly complicated. So in order to be *more* democratic, voting systems would have to be such that people would likely be alienated from them, and suspicious of them. Hence our dilemma: that a system that was *more* democratic was likely to be perceived by the majority as being *less* so. Hence, we could conclude that democratic control of education (curriculum, funding or provision) would be marked by this dilemma, and hence

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<sup>31</sup> That is, political equality, or the educative effect of democratic participation, or the promotion of the individual, or general interest, or the promotion of liberty.



West's market model solution - which doesn't allow for democratic control - would not seem so undesirable.

Is there a resolution of this dilemma, which would enable us to avoid endorsing West's market model in this way? Those in favour of improving democracy, I suggest, would argue one obvious way forward, that we must seek a compromise solution. Democracy is valued, but let us not push it to the limits and arrive at a system which, although eminently democratic<sup>32</sup>, very few understand. Let us instead have as democratic a system as possible, which also satisfies the demands of comprehensibility and accessibility. So we might seek the simplest voting system practicable with satisfying as many as possible of the conditions of Arrow's theorem<sup>33</sup>, and which didn't allow much logrolling. But: with this pragmatic compromise we would *know* that what we valued about democracy - whether it was political equality, or the way it could promote the general interest, or its educative effect, or the promotion of positive liberty - would not be *fully* achieved.

This would be rather like Honderich's pragmatic position on the justification for democracy. He argues that in a democracy there should be 'approximate' political equality: 'democracy gives to each of almost all adults the possibility of one vote in the choice of a government, and the possibility of some part, *not wholly out of line with the parts of others*, in the influencing of government.' (Honderich 1980 p. 147). He continues: 'we do not require that each citizen can exercise the same influence, but

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<sup>32</sup> In terms of political equality, etc. as outlined above.

<sup>33</sup> Or which suffered less of the inconsistencies of voting systems.

only what might be called a tolerably similar one.' (p. 147).

Now Honderich agrees that this is 'distressingly vague'; I suggest that the viability of this compromise could be brought into question. For if political equality is sought, can we be satisfied if some peoples' voices *do* carry more weight than others? Surely the only 'tolerably similar' political voice would be an *equal* voice? This may be a matter of (political) taste, and perhaps it might be thought that here I am setting up a 'straw man' all the better to aid my argument. So let me assume that this pragmatic compromise *would* be acceptable to those who seek political equality, or that parallel compromise solutions would satisfy any of those seeking other justifications for democracy. Proponents of democracy would then acknowledge the difficulties with achieving political equality (or whatever else they seek) within the limitations of a comprehensible voting system, so accept some 'tolerable' approximation to it<sup>34</sup>. Can the argument for democratic control of education thus succeed, in a tolerably pragmatic way? Not quite. In fact, this brings me to the crux of my argument.

What has been conveyed throughout this chapter is that a democratic system - *any* democratic system - is inherently flawed. It is not just that particular systems, such as those in the UK, USA, etc., are flawed, and that we should strive for improvements to these. We have now seen that there are difficulties with *any* democracy. But at the beginning of this chapter, we had some stark contrasts between democratic control of education and the market alternative: markets were inherently flawed and imperfect,

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<sup>34</sup> A further objection to this compromise solution might be that we might not ever know when our voting systems *were* getting to be closer approximations - again we leave this to one side, and see what follows from accepting the compromise solution.

leaving education to them would be disastrous; we needed democratic control to bring some order and rationality to the education system. We now see that democracy too is flawed and imperfect. So when we re-read the statements from earlier - 'Democracy itself is what is being hunted to extinction' and so on - these seem less shocking. At first sight, it appeared that the democrats were advocating replacing an imperfect system - markets - with something on a different plane altogether - Democracy. Democratic control was valuable because there were higher order values which we couldn't leave to the vagaries of markets. But now we are confronted with this question: *can we afford to leave these higher order values to the vagaries of democracy?*

Given that we are talking about two imperfect systems, can't we afford to look more dispassionately at what *each* can offer? One argument against markets might be that there are certain justifications for democracy, which markets couldn't satisfy. But do these justifications for democracy really need democratic control to satisfy them (imperfectly), or *can an equivalently approximate satisfaction of them be obtained without democratic control of education?*

Take political equality first, and return to West's market model. Could what is behind the desire for political equality be achieved just as acceptably in this model? White (1990) sought political equality to avoid the situation where professional educationalists were making all the decisions about (in his case) the curriculum. He wanted ordinary people, parents, children (perhaps), business people, etc., also to be involved in making these decisions. It seems highly unlikely that democratic control

could achieve this, for all the reasons given above: committed interest groups are likely to decide the curriculum, not the people as a whole. But, what about our market model? Can't this also fulfil what White desired from 'political equality'? In the market model who would be 'in control', for example, of the curriculum? I suggest that it could be *all of the groups* that White would want included. The professional educationalists and curriculum visionaries would set their curricular agendas, propagating them through institutions of higher learning, curriculum publishers, etc. Parents and children would 'shop around', choosing which of these they approved of - and the market mechanisms would allow those that parents and children favoured to be more successful than those they rejected. Media personnel and publishers would be offering their suggestions. Business people and industry and other employers would be involved in persuading the above groups what they needed - and also they would be covertly doing so by employing those people with the qualifications and qualities which they required. All the interest groups, not just the educationalists, would have a say in the curriculum. Now of course they wouldn't have an *equal* say - but I have argued above that that is unlikely even in an improved democracy.

But note another very important factor. Implicit in the writings of those who argue for political equality is the concern that the *disadvantaged* have a greater say than they would have had otherwise in the decision-making process. Political equality in all extant systems only fulfils this somewhat imperfectly, in that everyone (more or less) has the vote, but many have considerably greater say than anyone else. But note crucially, in West's market model - because of the safety-net - *the most disadvantaged*

are guaranteed an influence on educational provision. For the most disadvantaged as much as anyone else have the right of 'exit'<sup>35</sup> in the educational market place, and it is this mechanism that will help to ensure quality provision for those students: educational establishments that fail to attract enough pupils would be closed, hence there is always an incentive for such establishments to ensure that they *do* attract and keep students. Having the threat of withdrawal is an effective means of communicating disapproval to a school. It is the same principle that keeps supermarkets, restaurants and car manufacturers producing high quality goods<sup>36</sup>. Note how the power the voucher can give the disadvantaged is likely to be greater than the power the democratic process is likely to give them: Suppose the disadvantaged are in a small minority. On their own they are not able to significantly influence policy through voting - they are a minority who are unlikely to be organised

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<sup>35</sup> Hirschmann's seminal work in this field showed how the management of an organisation, such as a firm, voluntary association, trade union, political party or school, can discover that its 'customers' are dissatisfied with its performance in one of two ways, through 'exit', where the 'customers stop buying the firm's products or some members leave the organisation'; this leads to a decline in revenue and 'management is impelled to search for ways and means to correct whatever faults have led to exit.' The second route is through 'voice', where the customers or the organisation's members 'express their dissatisfaction directly to management or to some other authority to which management is subordinate or through general protest addressed to anyone who cares to listen'. (Hirschmann 1970 p. 4). Democratic control of education leads to the primacy of the 'voice' option, which is likely to be high-jacked by the 'politically influential, skilled and adroit' middle classes (Seldon 1990 p. 103). Markets lead to the exit option (as well as voice), which is likely to be accessible to all.

<sup>36</sup> In this context, it is important to note that Forster, the architect of the 1870 Act in England & Wales, had explicitly stated that fees were essential for parental power to ensure quality provision, and that these needed to be maintained (West 1970 p. 182).

and unlikely to be able to enter into coalitions with others. Hence they are not likely to be able to campaign for improvements to their educational opportunities, and would have to rely on altruistic others to do this for them. But in our market model, each of them carries the threat of withdrawing the voucher from any educational institution which fails to provide them with quality service. Each of them has access to the market mechanism which, if Hirschmann is correct, can improve quality.

Secondly, consider the justification for democracy which argues that democracy should have an *educative* function on its citizens, that, by making themselves better informed on issues, citizens will develop their full potential as human beings, live in a more fulfilled way, and so on. Again, I argue that the democratic process will only imperfectly allow them to do this, and will only give them limited incentives to become better informed, because of the difficulty of translating their wishes, through voting, into policy. But what about expressing their choices through markets? If someone has opportunities to make choices about the purchase of educational opportunities, as with any other market purchase, this leads to incentives to ensure that the purchases are appropriate, of good quality, and so on. Choosing educational experiences for oneself or one's children could be a highly desirable educational experience, an exercise in personal autonomy, as much as, or more than, making those kinds of decisions indirectly through the ballot box. Again, crucially, notice that *all* people, including the most disadvantaged, are empowered to make these decisions in West's market model.

It might be thought that perhaps this would be a particularly selfish form of

deliberation which is not as desirable as the deliberations that could take place in the democratic process - this may well be implicit in the comments noted about accountability at the beginning of this chapter. It is not at all clear to me why this should be the case. For a start, the assumption is that in the democratic process, individuals are not prompted by selfish motives, but this is not *a priori* obvious. Indeed, the public choice theorists have constructed their theory, with many plausible empirical applications, on precisely the opposite assumption, that individuals *are* prompted in the democratic process by *exactly* the selfish desires that drive them in the economic sphere (see Mueller 1989 for a review of the literature). Secondly, it is not *a priori* obvious either that individuals acting in the 'non-state' sphere of education will also only be prompted by their selfish interests. They may well decide to consider what is best for their nation, their community, or their neighbours, some or all of the time. Or moreover, what is in their selfish interest may well turn out to be in the public interest - this could be because of the 'cooperative solution' to the prisoner's dilemma, a consideration which is taken up in chapter 6.

Finally, what about the justification of democracy which maintains that the general interest can best be promoted through the democratic process? But in a centralized democracy, the wishes of the majority can override those of minorities, or particularly organised minorities can override the wishes of the majority (through logrolling and rent-seeking). One would have to be committed to a definition of the general interest which allowed for these anomalies to be outcomes. In the market model, however, neither of these are likely to occur. Minorities who were not politically well-organised can still get their wishes expressed through their market power. Majorities need never

kowtow to the wishes of minorities. A diversity of educational experiences would emerge, which reflected the wishes of all sections of the population. It could be argued that this much more accurately reflected the general interest than the democratic option.

The crucial point about this discussion is that there is not such a sharp dichotomy between markets and democratic control. Both are imperfect systems. But markets (with safety nets) may well be able to bring about the desirable outcomes which many seek from democracy. We don't need to go to the cumbersome lengths demanded by improvements to voting systems. If we are willing to make some compromises - as it seemed we must if we were seeking to improve democracy - then the market alternatives are worth investigating seriously too.

In particular, the objections to West's market model do not again appear to be substantial. Education and democracy are often presented as being intimately interconnected, and this interconnection would be used by the 'left' in crystallizing objections to West's market model: For democracy to thrive, citizens must be educated in particular ways, and the democratic state must ensure that this is satisfactorily accomplished. And in a thriving democracy, citizens must have democratic control over education. I have tried to drive a wedge into both of these claims. Education and democracy are both important in their own spheres, but letting them become too closely intertwined could be undesirable. Allowing states to be involved in education for democracy leaves the gate wide open for states to be involved in deciding who is fit to participate in democracy. Seeking democratic control of education for reasons



of political equality, or the furtherance of other noble justifications for democracy, introduces great complexities into voting procedures; moreover, it could be considered ultimately futile, for these noble aims might not need democracy to bring about their (approximate) realisation - for West's market model could also accomplish that.

### 5.8 *Fleshing out West's 'minimum adequate education for all'*

The discussion so far brings us to the crucial issue of how we are to resolve the discussion of West's 'minimum adequate education for all'. For now we are in a position to argue that (in general) we would be reluctant to centrally-prescribe the curriculum content, either in terms of the favoured notions of education for democracy or education for autonomy, or, indeed, any other curriculum aims; nor can we leave the curriculum content to democratic control to sort it out. So we are left with West's market model requiring that there be a 'minimum adequate education for all', and an inspectorate to enforce this, but no compulsory core curriculum for them to enforce! But not only does this mean that we are unable to flesh out the curriculum of the 'minimum adequate education' and give guidelines on this to the inspectorate, it also means, so the critics would claim, that the curriculum would become a 'hit-and-miss' affair (O'Hear and White 1991 p. 5), 'chaotic', 'obdurately fragmented', 'unsystematic', 'untidy', and 'a kind of British muddle' (selection from Green 1991).

However, two issues suggest that it is not quite as these critics would claim: The first concerns the likelihood of a *de facto* 'national curriculum' arising without compulsion - that is, of order arising without design. The second concerns the issue of how the inspectorate will operate. It must be stressed that the following comments are the beginnings of an argument only, it being beyond the scope of this thesis to pursue these matters in any depth, as outlined in chapter 1.

#### *Order without design?*

Would West's market of the curriculum lead to the chaos noted above? Firstly, we

do have evidence of some market control of the curriculum, in the private sectors in the UK, the USA and Japan. In Britain, there is, as yet, no political control of the curriculum in private schools, but the majority of private schools offer a similar core of academic subjects, together with some vocational elements. The diversity usually emerges on the fringes - some schools specialising in drama, dance, and so on, others in further academic pursuits, or others still focusing on variations in the ethos and organisation of the school. There is no compulsion which has made this the case - order has emerged without design.

Secondly, further support for the plausibility of order arising without design can be got from the following 'thought experiment': Suppose there is something similar to West's market model, with the curriculum unregulated, and we wish to set up an educational setting. It is 1992. What should we include in the curriculum? Are there any constraints on us? Clearly, there are. If we offered a curriculum of Bingo, Learning Telephone Pages and Ndebele, we would not get many takers, so would be forced to close. Even if a few very ignorant or frivolous parents chose our institution, perhaps because it was nearby, or they liked the glossy brochure, then it is unlikely that there would be enough of them to make it worthwhile for us to continue. So we offer what parents and children want - a core of English, maths and science, together with a smattering of humanities and the arts, vocational subjects and physical education. We would, however, be able to throw in something extra if we wanted to. This could be anything that we felt was educationally important, from drama to slanting the content of the curriculum to a multicultural focus. Or we could offer something distinctive about the ethos or organisation of the school. We are definitely

constrained, but within those constraints we can be flexible and innovative.

Now suppose it is 1692. We are setting up an educational establishment for gentlemen, (probably private tuition). Again, we would be constrained to work within the cultural context, and offer the appropriate curriculum. Perhaps we would use Henry Peacham's *Compleat Gentleman* of 1622 and offer history, cosmography, geometry, poetry, music, drawing and painting in oil, heraldry, exercises of the body and fishing (Watson 1909, p. 98). Or we could use any number of other similar texts as a basis for our curriculum. Again, we might offer certain innovations corresponding to our pet interests. But nothing too radical, or we wouldn't be offered employment.

Finally suppose we are setting up an 'educational setting' in 2022, say. What would we put on the curriculum then? If the current National Curriculum had had a good innings, I suggest we would offer something rather similar to that - but I doubt very much if it would be relevant to the society that had evolved by that time. But suppose there had been a market-led curriculum for some time. Then I refuse to predict what we would offer. But I suggest that we would very easily pick up what was desired by our 'customers'. There would be a core curriculum clearly apparent in the educational establishments around, and it would be to this that we would relate our curriculum.

These considerations suggest that order in the curriculum can be divorced from design.

There does not have to be chaos without government intervention.

*Guidance for the inspectorate*

In West's market model there is likely to emerge, so the comments above suggest, variations on a similar curriculum in most educational settings, appropriate to the technology and culture of the society in which it is set. The task of West's inspectors is to ensure that all children do have access to a 'minimum adequate education'. How will they do this, without national curriculum guidelines? The answer follows on from the discussion above: the inspectorate would operate within the educational traditions within which they find themselves. Their traditions will emphasise *rules of thumb*, connected with what was generally accepted to be part of a 'minimum adequate education', and, perhaps most importantly, what would be an *inadequate* education. Armed with these rules of thumb, if inspectors found the curriculum of an institution to be unsatisfactory - and the institution could not demonstrate in what ways it was satisfactory - then the action taken would be to point out how the institutions could fit in with what was generally accepted in that environment to be an acceptable minimum adequate education. This is analogous to the situation after the 1944 Act in England & Wales when parents decide to educate their children at home: they have to be able to demonstrate to the Inspectorate that their children are receiving a minimum adequate 'broad and balanced education', and interpretation of this is up to the Inspectors, operating within a particular educational climate.

In the context of this thesis there is not space to explore these issues further - concerned as we are with philosophical objections to markets, rather than a more thorough theoretical and empirical defence of them. The above comments illustrate the kind of solution to the problems raised, not a detailed account of this. But one

powerful objection to all of this discussion remains unchallenged. That is, in both chapters 3 and 4 we came up against the problem of collective action, or the 'public goods dilemma'; this problem was also raised in chapter 1, given West's own discussion of the 'neighbourhood effects', or 'externalities' of education. It is time to turn to this final objection to markets, and to West's market model. Is education a 'public good'? Does this lead to a major challenge to all the foregoing discussion?

## ***Chapter 6 Education as a public good***

### ***6.1 Introduction***

This chapter has two functions. The first is to take up directly from chapter 1 the objection to West's market model, that education is a 'public good', hence requiring of greater state intervention in terms of funding, provision and regulation, than was allowed for by West. We will use the argument of Grace (1989) as a springboard into this discussion. But in exploring this, we move easily into the second function of this chapter, which is to address the unresolved discussion of chapters 3 and 4. For we found that part of Raz's argument for state intervention in the promotion of autonomy depended upon discussion of the problem of 'collective action', or the 'public goods dilemma'. This arose in several places: firstly, where Raz argued against moral individualism, and suggested that collective goods needed state intervention and hence state coercion to ensure their provision; secondly, where his arguments against 'the exclusion of ideals' came to the same conclusion; and thirdly, where his argument for the authority of states were shown to depend in large part on the prisoner's dilemma and other problems of collective action: this last issue we put into the context of our discussion of the efficacy of state involvement in the curriculum, and noted that Raz was committed to propositions 4 and 5 of chapter 4<sup>1</sup>. Similarly from chapter 3 we

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<sup>1</sup> Proposition 4: reliance on the altruism and/or self-interest of citizens would not lead to the desired outcome of the promotion of autonomy for all through education; Proposition 5: even if individuals were altruistic and/or self-interested enough, they would be subject to the limitations of *collective action* problems in coordinating action for educational opportunities for autonomy without the state; we need the state to solve these collective action problems for us.

had the related propositions 4 and 5 concerning collective action and education for democracy. In this chapter we will explore the connections between these issues.

To this end, we turn firstly to the substantive issue of what exactly a 'public good' is, whether education is one, and whether this has implications for the role of the state in educational provision, funding and regulation. Secondly, we then explore whether the 'public goods' dilemma is as Raz suggested it was, namely that it leads to the need for state intervention to provide the desirable outcomes of education, i.e. that there will be 'market failure' in producing these desired ends. The argument of Ruth Jonathan is precisely on this issue, and raises the question of the applicability of the prisoner's dilemma to discussion of educational funding, regulation and provision. Having explored some game theoretic notions, and suggested that there is little reason for the pessimism of Raz and Jonathan about markets in educational provision and regulation, we then return to the issue of the curriculum left hanging from chapters 3 and 4. For the conclusions to that are now that there are two strong arguments against state involvement in the curriculum, both the epistemic argument discussed there, and now the public goods dilemma, which turns out to be less of a dilemma for educationalists than was supposed. So we finally turn to the specifics of the suggested curricula for democracy and autonomy, and suggest ways in which they might arise without state promotion.



## 6.2 *Grace on education as a 'public good'*

As has been mentioned several times in this thesis, we are locating plausible objections to West's market model by exploring actual objections to recent moves by governments towards introducing market mechanisms in education; we examine whether these objections apply also to West's market model. One such objections stresses that market mechanisms are inappropriate for education because it is a 'public good'. In this chapter I examine one detailed argument along these lines, that of Gerald Grace (1989)<sup>2</sup>. Grace, writing in the context of the debate about internal markets in educational provision in New Zealand, focuses on the arguments of the New Zealand Treasury; thus he explicitly sets out to challenge arguments based upon *economists'* definitions of 'public goods', with the aim of resisting their conclusions about the role of the state in education. In this chapter, we follow Grace's focus.

Now economists use the notion of a 'public good' to isolate those goods which will not be provided, or which will be underprovided by markets, so their definition is clearly germane to our task here. These 'public goods' are at the opposite end of a spectrum from 'private goods', or commodities (Mansfield 1980 p. 80). Thus if education is a public good in this economists' sense, then it would need *state intervention* to ensure its provision; if not, then it would not. Note, importantly, that for the economists, the theory of 'public goods' supports a positive, not a normative claim. Public goods will be underprovided without state intervention: for the economists then, this does not say that the state *should* intervene to ensure their

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<sup>2</sup> Other authors raise the issue briefly, but do not elaborate on it: for example, Ball 1990a p. 11, Bash and Coulby 1989 p. 28.

provision, only that if it doesn't, valuable public goods will not be provided<sup>3</sup>. But note how this positive case fits neatly into the discussion carried over from Raz's argument in chapter 4. For his moral arguments for the state to be involved in the promotion of autonomy depended in part on this positive claim that, without such intervention, goods of value would not be provided, and *hence*, in combination with his 'harm principle' and the 'normal justification thesis', the state can use coercion to override individual liberty in order to ensure these goods are provided. So much of the power of Raz's argument, we noted, depended upon the validity of the positive claim about the underprovision of public goods without the state. Thus by narrowly addressing the economists' argument, we are not only following Grace's argument, but we are also addressing important foundations to Raz's argument.

At first glance, it is not altogether clear that Grace's argument could be used against the 'internal market' brought in by the New Zealand government - or likewise the 'internal market' introduced by the British government. For in these 'internal markets' education is still publicly-funded through taxation, publicly-provided, and publicly-regulated. However, this *prima facie* case doesn't actually hold, for, as we shall see, if education is a public good this could have implications for the particular sort of regulations, funds and provision required of the state. In any case, in the context of *this* chapter, we *are* concerned with the applicability of the arguments to a more 'genuine' market, West's market model, and hence Grace's objections, if they hold,

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<sup>3</sup> Conversely, but less relevantly, if goods are *not* public goods, then this says that governments *don't need to* intervene to ensure their provision: but this does not rule out that a case could be made as to why governments *should* intervene, even if they don't have to.

will here be on very strong grounds indeed. So let us turn to his argument against the economists.

Now, economists define a public good as satisfying up to three conditions<sup>4</sup>: (i) indivisibility, (ii) non-rivalness and (iii) non-excludability<sup>5</sup>. *Indivisibility* pertains to a good, any given unit of which 'can be made available to every member of the public' (Taylor 1987 p. 5). For example: a bridge over a river, which can be used by anyone without extra costs being incurred. *Non-rivalness* is virtually the same as this, accept that it is the *benefits* available to every member of the public which are not reduced, rather than the *amount* of the good. A good which is indivisible, then, need not be non-rival, or vice versa. For example, the 'good' of hiking in the Grand Canyon could be, to a large extent, indivisible, in that many millions of people could hike there without thereby hindering others from also hiking there. However, if more than a few people hike there, this will lower the enjoyment of those who wished to hike in an empty wilderness. Hence in this case, the indivisible good is not non-rival. Finally, *non-excludability* pertains when it is not feasible to exclude any individual members of the group from consuming the good. The classic economic example is of the lighthouse: 'Each shipping company owner knows that if another shipping company erects a lighthouse it will effectively serve his ships as well.' (Cowen 1992 p. 3).

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<sup>4</sup> In section 6.3 below we will consider the fundamental objection whether these conditions do lead to the need for goods to be publicly-provided - this is the 'public goods dilemma'.

<sup>5</sup> The New Zealand Treasury used different terminology, but the same concepts: 'non-competitive' is the same as 'indivisible'; 'non-positional' is the same as 'non-rival'.

We will leave aside the economists' own difficulties with deciding which of these should be the defining features of a public good<sup>6</sup>: for it turns out - as argued by the New Zealand Treasury - that schooling itself (and the provision of other educational opportunities) satisfies *none* of these conditions. Firstly, it is clearly not nonexcludable. It is very easy to see how a particular child can be excluded from, for example, a classroom, or refused access to a computer, theatre, cinema or other educational opportunity. Indeed it seems precisely *because* education is excludable in this way that reformers wanted and continue to want the state to be involved in education!

Similarly for nonrivalness and indivisibility. It *is* the case that, for example, if some children have the attention of an excellent teacher, then that teacher has less time for others, (indivisibility), and others can obtain less benefit from him or her (nonrivalness). So schooling is not nonrival or indivisible. Again, it seems likely that it was precisely because of this condition that reformers wanted the state to be involved in education, to alleviate this inequality of access. In other words, the irony is that it seems because schooling is *not* a public good in the economists' sense that it could be argued that it needs to be publicly provided!

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<sup>6</sup> All definitions of public goods involve one or more of three conditions, but just about all permutations of these conditions seem to be exhibited somewhere in the literature. For example, McLean thinks that a public good should exhibit all three qualities (McLean 1987 p. 9), as did the New Zealand Treasury. Mueller says it should only have the first two conditions (Mueller 1989 p. 11); Leuthold agrees (Leuthold 1987 p. 58). Kiesling argues that it is the last two that define a public good (Kiesling 1990 p. 138). Taylor thinks it is the first and last (Taylor 1987 pp. 5-6). See appendix 8 for a brief discussion of why there might be this disagreement.

Grace, however, is unhappy with the New Zealand Treasury's conclusion that education is not a public good. Faced with this, he decides that what is needed is an alternative definition of a public good<sup>7</sup>. He says that: 'Public goods are intrinsically desirable publicly provided services which enhance the quality of life of all citizens and which facilitate the acquisition by those citizens of moral, intellectual, creative, economic and political competencies, regardless of the individual ability of those citizens to pay for services.' (Grace 1989 p. 218).

Now of course Grace, like Humpty Dumpty<sup>8</sup>, is perfectly entitled to define terms in whatever ways he wants<sup>9</sup>. But there are difficulties which he has not foreseen in so doing. Firstly, his solution is disappointing, for instead of challenging the (New Zealand Treasury) economists' argument, he simply avoids it. These economists would be perfectly entitled to dismiss Grace's argument as not addressing the issues with which they are concerned. We will see below that there were ways of challenging the economists directly, without sidestepping the issues they raise.

The second problem is deciding what is in the category of Grace's public goods. Does he want it to include what others often include as public goods, services such as sewage treatment, rubbish collection, public transport, or fire protection services? If they are included under the rubric of his definition(s), then it would have to be

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<sup>7</sup> In fact, curiously, he gives us two, different, definitions (pp. 214-5 and p. 218). We consider his second definition only.

<sup>8</sup> "'When I use a word,' Humpty Dumpty said, in a rather scornful tone, 'it means just what I choose it to mean - neither more nor less.'" (Gardner (ed) 1970 p. 268).

<sup>9</sup> Even in two different ways if he wants, although this seems excessive.

because they facilitate the individual in obtaining, or overcoming difficulties in obtaining, aspects of the good life. But then, surely, food, clothing, shelter, parenting, etc. should also be included as public goods? Using his definition(s), virtually everything desirable in a society becomes a public good. Perhaps this is what Grace would want: but this brings us to the third, and major, problem with his redefinition. This is what purpose the definition of a 'public good' is supposed to serve. For economists, the purpose is to delineate goods which need state intervention to ensure their provision. So, it is argued:

- 1      If a good is a public good then it is not amenable to market provision; (*by definition*)
- 2      education (in terms of schooling and other educational opportunities) is not a public good;
- 3      therefore, education is amenable to market provision.

What Grace attempts is to reconstruct this argument as follows:

- 2\*      education (in terms of schooling and other educational opportunities) *is* a public good;
- 3\*      therefore, education is *not* amenable to market provision.

However, as he has redefined a public good, he cannot fall back on '1' any more, because he no longer has the economist's definition to fall back on! So in order to supplement his argument, he needs an additional clause as to why his definition of a public good has the implication, as with the economists' definition, that a public good is not amenable to market provision. In a moment, we will return to his argument

to see if he does bring to light this supplementary information as to why these newly defined public goods need to be publicly-provided. But before doing that, let us outline a more satisfactory rebuttal to the New Zealand Treasury economists' argument, a rebuttal which doesn't sidestep the issues raised.

In fact there are three possible rebuttals. Firstly, it could have been pointed out that economists generally get into all sorts of difficulties with their definition, because there might not be *any* public goods in their strict sense at all. Consider, for example, non-excludability. De Jasay doubts whether any good could be said to be intrinsically non-excludable: 'daylight is excludable by putting coin-operated automatic shutters on windows, allowing access to daylight to be bought by the hour' (De Jasay 1989 p. 61). Malkin and Wildavsky concur that nonexclusion 'is always a function of the time and resources that the supplier is willing to devote to [exclusion]' (Malkin and Wildavsky 1991 p. 362). A skilful shoplifter, trespasser, or burglar will not allow herself to be excluded from any goods. Even the archetypal 'public good', national defence, (cited almost universally by economists as a public good), can also be excludable. Citizens can exclude themselves from some protection, through, for example, nuclear-free zones; protection can be withdrawn from, or not be extended to, border regions of a nation - topical examples include Iraq's inability to 'defend' the integrity of its territory above the 36th and below the 32nd parallels (*The Times*, 18th January 1993), and the United Kingdom's inability to defend the Channel Islands from German occupation during World War II (*The Times* 2nd December 1992). Finally, it is conceivable that national defence could be provided by private contractors (or the

state) only to those regions which were up to date with their premiums (or taxes)<sup>10</sup>. De Jasay argues: 'What the exercise teaches is that 'excludability' is a variable property of the universe of goods, being reflected in variable exclusion costs. This is a good reason to stop talking about the non-excludability of *public* goods and talk instead of the greater or lesser exclusion costs of goods *in general*.' (De Jasay 1989 p. 61).

These considerations suggest that, rather than sidestepping the issue, Grace could have concluded that, although schooling (and the provision of other educational opportunities) is not a public good in this sense, neither are many other so-called public goods. There might not be any *pure* public goods.

Now the economists could counter this by arguing that their intention is for there to be a continuum, with pure public goods at one end, and private goods at the other, and the majority of goods, perhaps even all goods, in between. So their intention is, as exclusion costs for any good become greater, then that good is more likely to need state intervention to ensure its provision. Hence a good with large exclusion costs could be called an 'impure' public good. This solution might help the economists

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<sup>10</sup> Taylor considers this and says that defence can be decomposed into 'deterrence' and 'protection from attack'. The first part is non-excludable he says, whereas the second fits in with the discussion so far, of being more or less excludable, depending on the form which it takes (Taylor 1987 p. 8). However, it is not clear that if protection from attack can be withdrawn as noted, that deterrence is also not excludable. The Germans were not deterred from invading the Channel Islands, because they suspected the protection from attack would not be forthcoming; the Americans, British and French aircraft were not deterred from invading Iraqi air space because they knew that they were inviolable.



preserve their notion of a public good - but it wouldn't help Grace's argument: we see immediately that schooling (and the provision of other educational opportunities) is unlikely to be even an 'impure' public good. For schooling is likely to have very small exclusion costs or *the costs could even be negative*, that is, there would be educational benefits from exclusion of certain children<sup>11</sup>.

The second rebuttal of the New Zealand Treasury's argument is influenced by West's discussion of education. Schooling (or the provision of other educational opportunities) does not approach being a public good, definitely not, not even an 'impure' one. But schooling, and education more broadly, is likely to have, as West pointed out, 'neighbourhood effects' or 'externalities' - defined by economists as when an activity undertaken by one party directly effects another party's utility. That is, there are likely to be benefits to the community or society at large if there are educational opportunities available, in terms of equality of opportunity, social cohesion, democratic benefits, law and order, economic growth, and so on<sup>12</sup>. Crucially, these externalities are likely to exhibit a large degree of non-exclusion (it is costly to exclude people from these benefits or costs) and there are usually considerations relating to nonrivalness or indivisibility - the external benefits or costs are likely to be available to all with near zero marginal costs. For example, a society lacking in equality of opportunity could be a society with a dissatisfied populace, becoming lawless, or

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<sup>11</sup> It could be cheaper to get marginal improvement in an average child if those who lack the appropriate skills and background are not allowed to retard the progress of the rest.

<sup>12</sup> For further discussion of these externalities - including equality of opportunity - see Weisbrod 1962 and Krashinsky 1986.

lacking in social cohesion. I could exclude myself from the problems of such a society, but only at the expense of burglar alarms, bodyguards, high fences, or by restricting my movements. It is in this sense that education *could* be referred to as an (impure) public good; it is in this sense that we *might* be able to argue that education needs state intervention to ensure its provision, in order to obtain these externalities. Moreover, we can now return to Grace's argument, for he gets close to this formulation when he asks:

'Might not education be regarded as a public good because one of its fundamental aims is to facilitate the development of the personality and the artistic, creative and intellectual abilities *of all citizens regardless of their class, race or gender status and regardless of their regional location?* Might not education be regarded as a public good because it seeks to develop *in all citizens* a moral sense, a sense of social and fraternal responsibility for others, and a disposition to act in rational and cooperative ways?' (Grace 1989 p. 214 emphasis added).

In other words what Grace seems to be arguing (note the passages emphasised) is that one reason why the (impure) public good of education should be publicly provided is that equality of educational opportunity is important, and that if left to the vagaries of markets, this will not be ensured. Moreover, there seems also to be the implication that other important 'externalities' of education, such as education for democracy for all, education for autonomy<sup>13</sup> for all, and so on, will also be underprovided by

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<sup>13</sup> Observe his discussion relating to the full development of the individual, the social and fraternal responsibilities for others, etc.

markets, and hence these are also reasons why education needs to be publicly provided.

In other words, by exploring the issue of public goods as raised by Grace, we have plausibly come full circle to the other fundamental objections to our market model discussed throughout this thesis, that it would not satisfy equality of opportunity, that links between education and democracy will be broken, and that it would not satisfy education for autonomy. Recall that we have discussed equality of opportunity in chapter 2, and found that it was not a convincing argument against West's market model, which had the facility of a 'minimum adequate education for all'. Similarly, the links between education and democracy were examined in chapters 3 and 5 and not found, in general, to undermine the market model. But now we arrive at the third rebuttal of the New Zealand Treasury's argument - a rebuttal which challenges the supposed implications of the economists' definition of a public good. Even if their definition holds, that is, even if a good does exhibit (to a degree) nonexcludability, nonrivalness and/or indivisibility, why does this imply that it needs to be publicly-provided in order to ensure its provision? In other words, is it legitimate for the economists to define a public good in the way that they do, implying that these qualities imply the need for state intervention? This is the *public goods dilemma*, whether public goods as defined will suffer from the problems of collective action.

This brings us to the concerns of chapters 3 and 4. For recall the principle unresolved issue from chapter 4 was that, in order for Raz's argument for the state promotion of autonomy to be satisfactorily translated into an educational context, we would need

to support propositions 1-3<sup>14</sup>. However, we noted that Raz himself might not be able to accept proposition 3. That is, he might accept that under some circumstances, state intervention for the promotion of autonomy would not be efficacious, but that he would argue this on contingent grounds only. However, we suggested that exploration of the prisoner's dilemma and other problems of collective action could help us to arrive at a different conclusion - that proposition 3 could be rejected for non-contingent reasons. We noted that the problems of the prisoner's dilemma would lead for Raz to propositions 4 and 5, which translated the problem of 'collective action' into the educational context. We can now further translate this problem into the language of this chapter, and suggest that what is of concern there is that education needs to be publicly-provided in order to provide what we could now call the 'externalities' of education, including 'education for autonomy for all'. Similar considerations arise from chapter 3: there propositions 4 and 5 suggested there would be problems of collective action in bringing about the externality of an 'education for democracy for all'. In the next sections we examine the problem of collective action, the 'public goods dilemma', in terms of educational provision, to see if we can resolve the unresolved issues there.

Before moving on, let us sum up the argument so far: the New Zealand Treasury

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<sup>14</sup> *Proposition 1*: that some, or all, of the state's citizens need help in promoting their personal autonomy, over and above that which they or their relatives are able to provide; *Proposition 2*: (a) that those who need such help cannot either expect to receive it through the institutions of civil society, that is through non-state institutions such as religious organisations, communities, etc; or, (b) that state intervention in this regard will *better* promote their autonomy than these other institutions; *Proposition 3*: that state intervention in this regard is efficacious; i.e. that certain types of state intervention in education can be expected to have the effect of promoting the autonomy of citizens better than if the state was not involved.

argued that education, or at least schooling, was not a public good because it didn't satisfy their definition of a public good. Grace opposed this, and gave alternative definitions. We observed that it wasn't very useful to do this, because it avoided the normal purpose of defining goods as 'public goods' in the first place, namely to differentiate those goods which should be publicly-provided. When other economists' definitions of public goods were taken into account, it was observed that still schooling stubbornly refused to fit into these definitions, but neither did many other so-called public goods. It was suggested that the economists' definition might help us usefully decide which goods were more like pure public goods than others, and we still decided that schooling, and education more broadly, was not likely to fall into this category. However, while education and schooling are not impure public goods themselves, they do have externalities, some of which are likely to be non-excludable, indivisible and/or nonrival, at least to a certain extent. It is these factors which might lead to the desire to publicly-provide education, and not leave it to the vagaries of something like West's market model. But we are then left with the issue of whether the defining feature(s) of the economists' notion of public good do have the implication that they sought from it, namely that these goods need to be publicly-provided. This, the unresolved problem of collective action, we turn to now.

### 6.3 *Education and the 'public goods dilemma'*

We have arrived at the position that education could well be an (impure) public good, in the economists' sense, in that it has 'externalities' which could be, at least to a certain extent, nonexcludable, nonrival and/or indivisible. The externalities which are of particular concern to us in this thesis are equality of opportunity, education for democracy for all, and education for autonomy for all. But we must then ask the question whether the economists' are correct in arguing that public goods *do* need to be publicly-provided. From chapters 3 and 4 we have propositions 4 and 5 which we seek to challenge - by raising the issue of whether these desired externalities can arise *without* state intervention. Later in this chapter we will explore, somewhat speculatively how state intervention might be unnecessary to ensure the provision of education for autonomy for all, and education for democracy for all. This discussion, however, will still only be on a par with Raz's 'contingent objection' of chapter 4: for it discusses *possibilities* which *might* occur without great state intervention. In a philosophical thesis, it is not possible to undertake the necessary empirical and historical work to flesh out these suggestions, but what can be undertaken is a more thorough-going theoretical discussion of these problems of collective action. So in the following sections (and appendices) I will approach this problem as follows: I will discuss the problem of collective action in bringing about desirable externalities in *general* terms, and assume that education for democracy and for autonomy are two of these externalities under consideration. I will then return to the specific issues of how it is likely an education for democracy and for autonomy would arise, and also relate the issues to West's market model. This approach will enable us to address the literature on the collective goods problem, and, importantly, to arrive at logical, not

contingent, difficulties with proposition 3 of chapters 3 and 4. .

Now, we noted that Raz put the problem of collective action in terms of the prisoner's dilemma<sup>15</sup> and other coordination problems. The prisoner's dilemma belongs to game theory, and we find that the 'public goods dilemma' literature focuses predominantly on game theoretic notions. This is important to stress: the traditions in political philosophy and political economy which pursue the problem of the involvement of the state in public goods provision either explicitly depend upon game theory (note the early works in political economy of Samuelson 1954), or use assumptions of human behaviour related to those used in game theory, constructing theories which can be modelled in game theoretic terms (see, for example, the discussion of Hobbes and Hume's theories in Taylor 1987 pp. 125-163). So it is for these reasons that we turn to game theory to make further progress on these issues. Usefully, we find that Jonathan (1990) has made explicit links between game theory, educational provision, and market failure, so it is to this work that we turn first.

#### *Jonathan on education and the prisoner's dilemma*

In this section we explore Jonathan's argument concerning the prisoner's dilemma and 'market failure'. We discuss whether the prisoner's dilemma is the most appropriate model to use to describe the problems of educational provision. I then attempt to sketch alternative models and show that the situation is not necessarily as bleak regarding educational provision without the state as that made out by Jonathan, or

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<sup>15</sup> A description of the prisoner's dilemma can be found in appendix 9.

implied by Raz<sup>16</sup>.

Now, Jonathan says that the prisoner's dilemma shows that 'market forces are no substitute for careful, collective deliberation about the ends and means of educational policy, *even if* the principal criterion for judging the success of policy were aggregate increases in wealth generation' (Jonathan 1990 p. 129). Jonathan describes three facets of the 'market failure' that will occur if the market has an increased role in educational provision. These are: (1) 'a narrowing of provision ... emphasising those skills and fields of study thought to be of immediate (socio-) economic benefit', leading to 'cultural impoverishment'; (2) a waste of 'human capital', because the 'market-competitive education game' will lead to some being losers; and (3) 'ghettoes of low educational performance' (p. 128).

Now it is well known that '*economic* literature on the market is full of explanations of why the prisoner's dilemma situation is responsible for 'market failure'' (p. 129). Jonathan mentions one example of the sub-optimal use of land between some hypothetical ranchers and farmers. She then concludes that if the prisoner's dilemma shows market failure can occur in this, and other, classic examples, 'how much more apposite is it when we consider a good like education, whose effects are long term and social as well as immediate and individual' (p. 129). Unfortunately, however,

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<sup>16</sup> I must stress that what follows is not a treatise in game theory. My aim is not actually to construct a suitable n-person iterated game of educational provision without the state - this would be too large a project. All I want to show, is that Jonathan's (and Raz's) pessimism is unfounded.



Jonathan makes no attempt to show why the educational case is 'more apposite' an application. Indeed, one might have expected a question mark at the end of the sentence quoted, for the crucial question is *how applicable* the prisoner's dilemma is to the 'game' of market-led educational provision, funding and regulation.

In order to see whether or not it *can* be applied, let us translate the economists' classic example given in appendix 9 into an educational context, and imagine a situation where the government did not provide, regulate or fund educational opportunities at all - in other words a situation more extreme even than West's market model. Without the state will there be 'market failure' which can be modelled using the prisoner's dilemma? Having seen how it could be applied in this extreme situation, we will then consider West's market model, to gauge the applicability of the findings there. What Jonathan is arguing with regards to education is that the prisoner's dilemma shows that non-cooperative market activity will produce an inferior outcome to government-sponsored cooperative action. It is this argument which would lend support to propositions 4 and 5 of chapters 3 and 4, concerning the inefficiency of voluntary action without the state to provide educational opportunities. But let us be clear what the mathematics of the prisoner's dilemma tells us: *if* education can be modelled using the prisoner's dilemma, *then* the case comes down quite strongly against leaving educational provision, funding and regulation to markets<sup>17</sup>.

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<sup>17</sup> It would still not be a 'knock-down' argument against markets, however, because of the assumptions behind game theory, which are discussed in appendix z. These assumptions might make us wary of using game theory to make predictions about human behaviour. But note that it is Jonathan and Raz, and others, who have taken the argument onto that territory: they argue against markets using those assumptions; we aim to show that their arguments against markets, using the same assumptions, are not valid.

So let us start to build up a model to see if Jonathan is correct in arguing that the prisoner's dilemma is the appropriate model to use. We begin with the simplest of models, a two-player<sup>18</sup> game, and build up a more realistic model in the next few sections. These two-player games are useful as a heuristic device, and are not meant to be more realistic than that.

first model: two-player game, external benefits, individual players purchasing own education

First we consider the case where the player is choosing to purchase education. The purchase of any good will depend on the utility of that good to the person. Let us first base the utilities on the externalities, or public benefits, to be derived from education, as Jonathan wishes us to do. In the classic economist's example in appendix 9, the externalities were clean or polluted air. In terms of education, Jonathan hints at some externalities of education in her examples of potential market failure given above. The second and third of these can be subsumed under an externality of equality of opportunity, which we have already examined in chapter 2<sup>19</sup> - but about which further interesting observations can be made in this context. The other externalities of education of concern to us here include education for democracy for all, and education for autonomy for all. For the purpose of this argument, we lump together all of these externalities and attach some utility value to them. The

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<sup>18</sup> Think of each player as being a family, or a parent, or a child, concerned with purchasing educational opportunities. A 'community' is two families, or two children or two parents.

<sup>19</sup> There it was suggested that West's minimum adequate education would satisfy what is meant by equality of educational opportunity.

assumption of complete knowledge comes in here: in a more sophisticated model than we have scope for here, we could bring in probabilities about the players' awareness of these externalities, and their value to them. But note that their potential ignorance does bite both ways: it might be that the players thought education was of far greater value in promoting law and order, or economic growth, say, than it actually was<sup>20</sup>.

The easiest and usual way of representing the utility value is to give some monetary value - but this does not imply that we are considering this as the only form of utility. It is just a useful way of showing the model. If we could show that, without state intervention, these externalities would not be provided, then the prisoner's dilemma may be applicable and Jonathan's application would stand.

We can find, with a little juggling of numbers, many situations which *will* make Jonathan's application true. For example, the cost of a child's education, from schooling and other sources such as television, newspapers, families, religious bodies, etc. is £1000 per annum. The external benefits that accrue to each parent are worth £700 for each child educated - these external benefits would be in terms of the value to the parent of economic growth, equality of opportunity, education for democracy, law and order, education for autonomy, etc. Then the matrix of payoffs, in a simplified two-person world, would look like:

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<sup>20</sup> See Lott (1987) for a discussion of the failures of schooling to promote these ends.

		person 2	
		educate	don't educate
person 1	educate	400, 400	-300, 700
	don't educate	700, -300	0,0

If both parents educate their children, then they have net benefits of £400 each, ( $2 \times £700 - £1000$ ). But if I educate my child, and you don't, then you still get £700 utility for zero expense, whereas I pay out £1000 and only get £700 in return, hence a net loss of £300. Thus although both parents would prefer the returns from educating their children, it would be rational to choose the less than optimal state of declining to do so<sup>21</sup>. So, in this our simplest model we have shown that, under certain assumptions, Jonathan could make a case out for there being a genuine prisoner's dilemma.

second model: two-person game, external benefits, school requiring collective provision

Now in the above model, I assumed that each player could provide educational opportunities by him or herself. I mentioned one of the possible educational opportunities to be schooling, but in the two-person game, it doesn't seem very natural to call this 'schooling' - for there might be a school with only one pupil in it. In any

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<sup>21</sup> Of course, the utilities could be given other values which would not make a prisoner's dilemma. For example, if the benefits from externalities were £500 each and the cost £1000, then the prisoner's dilemma would disappear. For the general result see appendix 11 section 1.

case, it is more realistic to suppose that the costs of the school would be related to the numbers of pupils in the school, which would affect the outcomes above. Perhaps in the above model, it is easiest to think of the parent purchasing a home tutor, or a home computer and appropriate software, etc<sup>22</sup>. We now modify the model to the case where it is a school that is being financed, with fees proportional to the number of children in the school. This is, after all, the territory on which many philosophers argue, and it may be thought to be avoiding their challenge if we concentrate on educational experiences always defined more broadly than schooling.

To add flesh to the model, suppose a two-family community, with one school-age child in each family. Suppose there is a teacher who is willing to provide a school for this community, providing that if he or she opens the school, both children can attend (it is not worth her while to teach one child, perhaps, or she has a sense of social justice which says that he or she can't exclude anyone from a community). The teacher charges a flat rate for his or her services. In this case there could be two possibilities.

The *first possibility* is where one person alone could finance the school. In this case, if one family contributes, then that family bears all of the cost, but both can send their children to the school. Assuming self-interested persons, then family '1' would prefer family '2' to pay for the school, but neither family would want for there to be no school. Let us have the fees and benefits to be the same as in our first example above. Then we have the following payoff matrix:

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<sup>22</sup> In the many-person case the description would be more natural -see appendix 12.

school fees £1000 (total, to be shared if both contribute);

public benefits per child educated £700;

		person 2	
		pay	don't pay
person 1	pay	900, 900	400, 1400
	don't pay	1400, 400	0,0

The calculations are: if both pay, then the costs are halved, and the maximum positive public benefits are reaped, so we have  $£1400 - £1000/2 = £900$ . If one pays and the other doesn't, then still there are maximum positive benefits, because both can send their children to school, but the person who doesn't pay reaps these with no costs, whereas the other has to pay £1000 for the privilege. Finally, if neither contribute, then there are no benefits to society.

Given these particular values, *this game is no longer a prisoner's dilemma*<sup>23</sup>.

Instead, it is known to game theorists as the game of 'chicken': both players prefer that the school is provided, but each prefers that the other will provide it all by him or herself; however, if it is known that the other player will not provide, then that person will provide the good rather than run the risk of nothing being provided<sup>24</sup>.

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<sup>23</sup> Notice that now, using the standard terminology,  $T > R > S > P$ , as opposed to the prisoner's dilemma where  $T > R > P > S$  - see appendix 9.

<sup>24</sup> The general result for this is found in appendix 11 section 2.

Another example of this sort could be where we have two employers in a small town. Each of the employers can fund schooling in one neighbourhood. It is considered by the employers that the town only needs one neighbourhood to be educated, for example to provide a literate workforce, or to prevent too much crime. That is the town can absorb one neighbourhood of children who are uneducated, but not two. If I know that the other employer will not fund education in her neighbourhood, then I will fund education in mine. This again is likely to have the format of a game of chicken.

Returning to the two-family community, the *second possibility* is that neither family can afford the school fees by themselves. In this case, unless they both contribute, no school will be provided. Here we have another type of game, known to game theorists as the ‘assurance game’. Both families prefer there to be a school, but each family will not contribute if it knows that the other will not contribute. Each family would prefer to contribute if the other contributes too. The game is called the ‘assurance’ game, because its solution lies in finding ways of assuring each players that the other will cooperate.

Given the utilities as in the example above, we have two possible situations, either where the teacher returns the money if the school isn’t funded, or where he or she takes it with him or her if it isn’t funded. The former situation, taking the funds required to build the school as £1000 (£500 each), and the public benefits per child educated as £700, is as follows:

		person 2	
		pay	don't pay
person 1	pay	900, 900	0,0
	don't pay	0,0	0,0

Clearly in this situation, both players would rather pay than not pay school fees - for that is the way benefits are maximised<sup>25</sup>.

Now, it is crucial to recognise that neither the chicken nor the assurance game has the dominant strategy of 'mutual defection' which characterises the prisoner's dilemma. In fact, both games have two equilibria<sup>26</sup>. In the assurance games the two equilibria are for both to pay or for neither to pay. Since both players prefer the mutual cooperation outcome to the mutual defection, then neither will expect the latter to be the outcome, so the preferred outcome of both cooperating is likely to result.

In the game of chicken, the two equilibria are the situations where one player

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<sup>25</sup> In general, this will be an assurance game provided that twice the benefits is greater than half the fees.

<sup>26</sup> An equilibrium is defined as the position when one player cannot unilaterally improve his or her position if the other person's strategy doesn't change. Or more formally: 'Given an outcome, [a simultaneous choice of strategies by players] a player is said to be *motivated to shift* (to choose another strategy) if by doing so he can get a larger payoff *provided the other player does not shift*. ... If neither player is motivated to shift, the outcome is called an *equilibrium*.' (Rapoport 1992 p. 77).



cooperates, by paying for the teacher, and the other defects<sup>27</sup>. It will, therefore, be in each player's interest to attempt to bind her or himself irrevocably to non-cooperation, providing that she or he is the first to do it. This pre-commitment will then force the other player to cooperate. But if each player is free to bind her or himself in this way, and realize the dangers of simultaneous binding, then they may forgo this for the cooperative solution. The solution of this is unstable - but it is not the determinate non-cooperation of the prisoner's dilemma. So although our first model could have supported Jonathan's claim that educational provision without the state will result in the prisoner's dilemma, in our second model we already see an undermining of that claim.

#### third model: two-person game; private and external benefits

In both of the models so far, we have assumed that schooling has public benefits, externalities only. However, schooling also has *private* benefits. Parents are concerned for their children to receive an education because they want private benefits for their children - the economic benefits of literacy, schooling, etc. in terms of employment prospects, the benefits of literacy and education in terms of leisure enjoyment and personal development, political benefits of being able to participate in society, social benefits of being a member of a literate and educated society, and so on. Parents will also seek private benefits of schooling for themselves, such as the satisfaction that comes from seeing their children earn a living and support a family themselves, and financial security in old age.

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<sup>27</sup> The other situations, where both defect or both cooperate are *not* equilibria, because one player can unilaterally improve his or her position if the other person's strategy doesn't change.

As soon as these private benefits are introduced, then this changes the situation completely. Education *simultaneously* produces both private and public benefits. We modelled the first prisoner's dilemma model above on the catalytic converter example found in appendix 9, but now see that the analogy doesn't quite hold. To maintain the analogy with education, the motoring example would require that the converter was not a costly *inconvenience* but produced significant private benefits also. For example, it could increase performance, or reduce petrol consumption. If the cost of fitting the converter was less than these private benefits alone, the prisoner's dilemma would disappear. The externality of reduced air pollution would follow, but as a result of the *self-interested behaviour* of the motorists, not as a consequence of their environmental awareness.

To show this new situation, we could have the same situation as in the first model, with in addition, private benefits of say £400. The matrix of payoffs would then look like this:

		person 2	
		educate	don't educate
person 1	educate	800, 800	100, 700
	don't educate	700, 100	0,0

(The £800 is made up of the two external benefits of £700 each, plus the £400 private benefits, minus the £1000 costs of the schooling, and so on).

In this particular example, crucially, the situation is no longer a prisoner's dilemma - the 'dominant strategy' is to educate one's child, whatever the other person does. That is, there is only one equilibrium, for both parents to educate<sup>28</sup>.

Taking into account private benefits in our second model above, we find neither possibility changes too drastically. In the first possibility, where one family alone could finance the teacher, again, in some situations there could be a prisoner's dilemmas, in others, a game of chicken<sup>29</sup>. However, we can say that it is less likely that the game will be a prisoner's dilemma, and more likely for it to be a game of chicken<sup>30</sup>.

Secondly, in the situation where neither player can afford to pay for the school alone, and both can be admitted when the school is opened, the situation is even more likely to be an assurance game<sup>31</sup>.

#### fourth model: two-player game; one or more players too poor to fund schooling

In all of the models so far, we have assumed that each player could afford to fund schooling, although in some cases they were unwilling to do so. But a plausible scenario is where some players are too poor to pay for schooling at all. Taking this

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<sup>28</sup> In general the situation is a prisoner's dilemma whenever the school fees are greater than the sum of the private benefits and the public benefits, but less than the sum of twice the public benefits and the private benefits. See appendix 11 section 3.

<sup>29</sup> See appendix 11 section 4.

<sup>30</sup> See appendix 11 section 5.

<sup>31</sup> See appendix 11 section 6.

into account brings an unexpected and important result.

Again, we can model this situation using a two-dimensional matrix. Still assuming our two-player community as before, with the teacher offering to provide a school for use by the whole community (for example, by both school-age children). For this model, let us decide that the teacher will provide schooling however many children attend, but that he or she, again, would want to open the school to the whole community once his or her funds are met. Clearly if neither family is rich enough to pay the fees by itself, then no schooling will take place. But if one family can provide all of the funds, or is willing to pay more than the other, then things need not be so bleak.

Let us assume that it is player<sup>32</sup> 2 who can't afford to pay anything. If the school is funded, then there is the option of sending or not sending their child to school. Suppose too, private as well as public benefits, with the school fees at £1000, private benefits of £400 and public benefits of £700 per child educated, as before. Then the situation can be modelled as:

		player 2	
		attends	dosen't attend
player 1	pay	800, 1800	100, 700
	don't pay	[n/a]	0,0

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<sup>32</sup> Each player recall is a family, parent or child.

Here, surprisingly, the equilibrium is for player 1 to pay all the costs, and for player 2 to attend free of charge. That is, *it is still in family 1's interest to pay for the schooling unilaterally*. Also note that for player 2 not to attend while person 1 pays is not an equilibrium (for player 2 can unilaterally improve his or her position by attending)<sup>33</sup>.

Above we assumed that player 1 could afford to pay for all the school fees. Clearly, if player 2 is able to contribute some proportion of the school fees, then the situation improves, because we need only have the less strong condition that player 1 can afford to pay for that part of the fees which player 2 cannot pay. With player 2 contributing some proportion of the fees, the same conditions on the equilibria still apply as above, however<sup>34</sup>.

One assumption here is that it is possible to easily decide whether or not player 2 can afford to pay for schooling. In a two-player community, this is likely to be quite tenable. If it is not obvious, or if there is room for deceit, or if one or both of the players is on the border-line of being able to afford to pay, then this game is likely to deteriorate into the game of chicken. It will be in the interests of both players to pre-commit themselves to the statement that they are too poor to pay for schooling, in the hope that the other player will pick up the bill for them. Or it will be in the interests of both players to pre-commit themselves before the other by spending

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<sup>33</sup> For the general result see appendix 11 section 7.

<sup>34</sup> See appendix 11 section 8.

money on luxury goods, say, so that they really are too poor to provide schooling, in the hope that the other player will pay. But, as was noted above, this strategy in the game of chicken is a risky business, because it might mean that no schooling is provided at all. Hence, this will be some disincentive to deceiving the player this way. Note that, the game of chicken in this and in the previous case, might not be as risky as the standard game, because we do have an 'outside authority'; we have a teacher or school who him or herself could impose some sort of means-test on the players to decide if there are genuine cases of poverty. In this case, this could help alleviate the problem.

*Moving away from two-player models*

The purpose of these four models was to show that there are a variety of possible games which represent markets in educational provision in the two-person game. Hence we have shown that both Jonathan and Raz were far too pessimistic in their suggestion that the games would always become prisoner's dilemmas. Sometimes they might, but often they won't. Crucially, if the games are assurance games, games of chicken, or hybrids of these, then there is *not* the dominant strategy of the prisoner's dilemma: there are likely to be cooperative solutions possible without any outside interference. That is, there will not be the market failure to provide the externalities of education, as predicted by Jonathan<sup>35</sup>. This was shown using simplified two-person models: can these be generalised to show the same in more realistic many-person games? In appendix 12 we show that they can. In each of the generalisations, we find that moving to the many-person game extends the results of the two-person games. Again we find that some are likely to be prisoner's dilemma, but the *most plausible situations will be games of chicken or assurance games*, or hybrids of these. So again we find that Jonathan's and Raz's pessimism seems unfounded.

*Iterated games*

The final move we must make in exploring possible game theoretical models of educational provision is to note one major inadequacy exhibited by all of the models discussed so far. They all assume that the players meet only once, play the game and then have no further interaction with each other. However, this is clearly unlike in

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<sup>35</sup> In a moment we will consider the particular externalities of education for democracy and education for autonomy to see how they could be provided in this way.

many social situations. For example, if the families in our community are paying fees for a school, then the 'game' when they make their payments is likely to occur every term. Or providing funding for schooling could be one of several 'public goods' projects being canvassed in the community; others could include perhaps funding a clinic, or a footbridge, or a community centre. Finally, the people in the community are likely to meet on many different levels, and this other interaction would also be relevant to our games. The people who 'play the game' of raising funds for the school could also meet as customer and seller in the local market, or as friends in the local pub. All of these interactions would also influence their interactions when they came to 'play the game' of educational provision.

In fact we can extend the 'one-shot' games that we have used so far, to take into account this interaction of players over a period of time. That is, we can model the games to be played iteratively. In 'supergames', as these are called in the literature, some new considerations need to be brought to bear. Firstly, future payoffs are discounted. In the early literature, it was assumed that there should be the assumption of 'perfect information'. That is, after each sub-game is played, each player knows of the strategies played by all other players up to that point. However, recent literature has shown that a probabilistic model can be used to model imperfect information as a game with complete information (Tullock 1992 p. 56). Again, the considerations about probabilistic models raised earlier are relevant here<sup>36</sup>. Another assumption in the early literature was that there must be indefinite length of games, for with finite length games, by an inductive proof, it was thought that the dominant

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<sup>36</sup> For discussion of perfect knowledge, see Appendix 10.



strategy would always be to defect. However, this result no longer holds if a small amount of uncertainty is introduced into the game - 'If players are not quite certain about each other's motivations, options or payoffs, the backwards induction argument cannot be applied.' (fn3 p. 190 - see also Kreps *et al* 1982). Hence, these two restrictive assumptions on the supergames do not have to be applied, provided that some element of uncertainty in the result is tolerated.

In appendix 12 it is outlined how educational provision could be modelled in the many-person games, to produce results that were either prisoner's dilemmas, games of chicken, or assurance games, or hybrids of these. With this work undertaken, we can now 'plug into' the extensive mathematical work that has been done on each of these games, and show what happens in the supergame. The results are interesting. For in the worst-case scenario, when the game was a prisoner's dilemma in the 'one-shot' game, in the supergame *there is a cooperative solution*. The solution is known as the 'tit-for-tat' strategy. Originally discovered in the iterated two-person game, this is when one player adopts a 'conditional' strategy, of starting the supergame by cooperating (in our models, by paying for schooling), and then cooperates in the next game if the other player cooperated in the previous game; if not, the player defects, but then immediately tries to cooperate in the next game (Axelrod 1984 p. 13)<sup>37</sup>.

Axelrod's insight was that, if it is known that the players are likely to meet again, the moves each player makes now are likely to influence the moves made by players later:

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<sup>37</sup> Axelrod considers the two-person game only, extending it to more than two persons by assuming that each player interacts with each person one at a time - this limitation was overcome by Taylor (1987), as we shall see in a moment.

'The future can therefore cast a shadow back upon the present and thereby affect the current strategic situation.' (Axelrod 1984 p. 12). It is this crucial fact that leads to the possibility of cooperation emerging. Axelrod's most notable result was using a computer tournament, which now provides the basis for a vast literature on game theory. Participants submitted entries to play an iterated prisoner's dilemma game for an unknown length of moves, where each participant was aware of strategies that had been successful in a previous competition, together with an analysis of what seemed to have made the strategies successful. The strategy that won the competition, (that is, by scoring on average the highest number of points when played against every other participant, including itself and a random programme) was named 'TIT FOR TAT'. TIT FOR TAT also won a simulated 'ecological' process, whereby unsuccessful programmes were gradually eliminated, and replaced in growing proportions by successful ones. The features that seem to make TIT FOR TAT a successful strategy are that: it is 'nice' (it is never the first to defect); it is retaliatory (it will always punish a defection with a defection of its own); it is forgiving, (it will always try to restore mutual cooperation once it has retaliated); and it is clear, (it is easily intelligible to the other player) (p. 54).

Moreover, TIT FOR TAT is collectively stable, that is a population of people using this strategy can't be invaded and taken over by intruders using any other strategy, provided that the discount parameter is large enough (p. 59). Conversely, a world of 'meanies', that is, of people who never cooperate, *can* be 'invaded' by a cluster of people using TIT FOR TAT, and the cluster would only have to be large enough so that players using TIT FOR TAT need interact with other TIT FOR TAT players

about 5% of the time. That is, the TIT FOR TAT people would be consistently more successful than the 'meanies', even with these limited interactions with each other. Hence, if the 'meanies' wanted to raise their utility, they would see that it would pay to behave cooperatively, rather than uncooperatively.

Taylor extends these results to model the many-person prisoner's dilemma supergame, and arrives at the following conclusions: Cooperation can arise if, firstly, every player plays the tit-for-tat strategy, and their discount rate is not too high. That is, when every player uses this strategy, there is an equilibrium (Taylor 1987 p. 104). It is not the only equilibrium however - see footnote 39 below. Secondly, even when some of the players unconditionally defect throughout the supergame, (in our terms, when they refuse to pay for schooling), then cooperation may still be rational for the rest, provided that there is a subgroup of players who cooperate, either by playing the tit-for-tat strategy, or by cooperating unconditionally, and again provided that their discount rates are not too high (p. 104)<sup>38</sup>. But in this case, as the 'public good' is going to be provided by a *subgroup*, each player has the usual incentive not to be in that subgroup (p. 93). So every player has an incentive to pre-commitment to non-cooperation, in other words, this game gives rise to the game of chicken. Again, the comments about risk-aversion are applicable here: 'a subgroup of conditional Cooperators *might* emerge if enough players are sufficiently risk averse' (p. 93).

So we have the condition that the supergame *solves the prisoner's dilemma* under

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<sup>38</sup> This is similar to Axelrod's finding that a cooperative subgroup are able to 'invade' a population of 'meanies'.

certain specified conditions. Let us be clear what this means in terms of our educational models. In some of those models it was pointed out that the situation could arise as Jonathan predicted, as a prisoner's dilemma. In those situations, educational opportunities would be underprovided because it would be in both players' interest not to cooperate with each other. But in those cases, we assumed that the players only met once, and then never played together again. We now can consider cases where the players interact several times, through various community interactions, or simply by virtue of paying school fees at regular intervals. What the discussion of the iterated game shows is that the prisoner's dilemma outcome now in general does not hold: *it is now in the players' interests to cooperate*. That is, it is mutually advantageous for both players to provide educational opportunities for themselves or their children, and only to 'defect', i.e. not to cooperate, if other players refuse to provide such opportunities. But even if there are other players who refuse to provide such opportunities, then it is still likely to be advantageous to the subgroup that wants to cooperate to continue to provide educational opportunities for themselves, and this subgroup may well be able to influence the remainder of the group 'by example' as it were (a cooperative subgroup is able to 'invade' a population of 'meanies').

In other words, we have shown that, *even in those worst-case situations* in which Jonathan was correct in suggesting that a prisoner's dilemma is likely to arise under markets in educational provision, then this still doesn't necessarily bring about her pessimistic conclusion of market failure. Even the prisoner's dilemma -the worst-case

scenario - can bring about cooperative behaviour in the long run<sup>39</sup>. Similar comments apply to Raz's pessimism: it was not legitimate for him to simply assume, as he did, that the problems of collective action, exemplified as he saw it by the prisoner's dilemma, would need the state to intervene to solve them.

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<sup>39</sup> Two general comments: Firstly, as we have said, these cooperative outcomes are not the only equilibria. How do we know which equilibrium is likely to be the outcome of a game? The answer is that we don't. As far as our work is concerned here, this is not too distressing, because we are only trying to show that the *determinate* outcome predicted by Jonathan and Raz is not the only possible outcome. However, Friedman suggests, in any case, that the problem is not too significant. For in economics, 'uniqueness is the exception rather than the rule for general models. ... We must look to other information, beyond that embodied in formal mathematical models, to help us select among equilibria.' (Friedman 1992 p. 43). Myerson notes that 'anything that focuses the players' attention on one equilibrium may make them expect it and hence fulfil it as a self-fulfilling prophecy' (Myerson 1992 p. 68). Raub *et al* suggest that other factors will help focus players attention on the cooperative solution, including 'conditions like opportunities for direct communication, the availability of charismatic leaders which (sic) have the status of central brokers providing unambiguous rules without being endowed with direct sanctioning power, and a common history of the actors or tradition' (Raub *et al* 1992 p. 98). Each of these could influence the outcome of the prisoner's dilemma supergame favourably in terms of successful educational provision without the state.

Secondly, we need to ask, are the conditions which Taylor found for the cooperative solution likely to be met in practice? Taylor suggests that cooperation is less likely to occur the larger the number of players. The main reason for this 'size' effect is that: 'Cooperation can be sustained only if conditional Cooperators are present and conditional Cooperators must be able to monitor the behaviour of others.' (Taylor 1987 p. 105). This monitoring is clearly more costly the larger the number of players. However, this is assuming perfect information. If we move away from this, as we noted was possible above, then things change in favour of a cooperative solution. Rasmusen notes that: 'Uncertainty over the player's payoffs can make cooperation more likely, not less.' (Rasmusen 1992 p. 91). Raub *et al* concur: 'incomplete information, far from fundamentally undermining game-theoretic analyses of collective action problems, may be a crucial mechanism of cooperation in a game-theoretic framework.' (Raub *et al* 1992 p. 99).

These issues cannot be explored further in the context of this thesis. The conclusion must be, however, that Jonathan's suggestion that educational provision without the state *would* suffer from a prisoner's dilemma cannot be sustained.

This is as far as we can go with the theoretical discussion here. We have shown that, in general terms, the externalities of education are likely to be provided without the authority of states, that there is likely to be cooperation as regards education, that provision, funding and regulation of this could occur by individuals acting *even within their own self-interest*. Moreover, as soon as altruism was allowed to enter into the picture - altering in game theoretic terms the payoffs of the players - then this cooperation is even more likely to emerge. But we still haven't tackled the practicalities of how the particular externalities desired by Raz, White, Grace and, generally the 'political left' - namely, education for democracy for all, and education for autonomy for all - are likely to arise without state intervention. As remarked above, it is not possible in a philosophical treatise to do more than make some brief remarks about the kinds of mechanisms which could bring these about: some speculative comments to this effect follow.

#### 6.4 West's market model, his 'minimum adequate education', and externalities

Propositions 4 and 5 of chapter 4 suggested that education for autonomy would be subject to the collective action problem, and that it couldn't arise by people pursuing their own selfish, or even altruistic, goals. Similarly for education for democracy from chapter 3. We have now seen that, in general, externalities of education can be provided by players pursuing their own self-interest without outside intervention - and as these 'game theoretic' models were the ones either implicitly or explicitly used by those who argue for state intervention for the provision of 'public goods', we can say that there is likelihood that externalities of education in general could be provided without state intervention. But how could the *specific* externalities of concern here be provided? Let us pursue this question by putting it into the context of West's market model, as we left the discussion at the end of chapter 5.

#### *Education for autonomy for all*

The first thing that is interesting about White's and O'Hear's list of the qualities needed in the autonomous person, is that many of the qualities and skills are those which parents are highly likely to seek for their children, or which children are highly likely to seek for themselves, for 'instrumental'<sup>40</sup> or self-interested reasons. For example, a brief analysis of O'Hear and White's list of qualities and skills of the autonomous person (O'Hear and White 1991 pp. 12-16) suggests that the following

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<sup>40</sup> By 'instrumental' I mean those reasons connected with improving employment or wealth-creating prospects, and reasons enabling individuals to fit in with society, to obey the law, respect the needs of the family, and so on. (This could be contrasted with those qualities which people would seek for 'intrinsic' reasons, because of the delight in learning for its own sake, for self-fulfilment, and so on).

are likely to fit into this 'instrumental' or 'self-interested' category<sup>41</sup>:

### **Personal Qualities**

#### Personal Concerns

attentiveness to basic needs such as health, wealth, and law and order  
 qualities of character such as courage, self-control, patience, practical judgement, etc.;  
 commitment to pursuing and persevering with personal projects; enjoyment of physical pleasures;

#### Social Involvement and concern for others

working with others for shared goals  
 enjoying others' company  
 promoting and protecting the well-being of those close to one  
 refraining from harming other people

#### Critical and reflective awareness

reflectiveness about priorities among one's values, enabling one to cope with value conflict;  
 possessing the intellectual virtues necessary to sustain one's practical judgment

### **Knowledge and understanding**

Scientific Knowledge and Understanding?  
 Personal Knowledge and Understanding?  
 Social Knowledge and Understanding?

### **experience of the arts**

vocational aspects of arts  
 personal enjoyment aspects

### **personal competencies**

communication and numeracy  
 planning and organisation  
 social interaction

Conversely, a similar analysis suggests that the following skills and qualities are *not* likely to be sought for these instrumental or self-interested reasons:

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<sup>41</sup> A question mark indicates doubt about inclusion.



**Personal Qualities**Personal Concerns

none

Social Involvement and concern for others

a more general beneficence

being impartial

Critical and reflective awareness

critical awareness of obstacles to self-determination (including overcoming authoritarian creeds, manipulation, etc.)

openness towards one's value system

contemplative reflectiveness on human nature and existence.

**Knowledge and understanding**

Scientific Knowledge and Understanding?

Personal Knowledge and Understanding?

Social Knowledge and Understanding?

**experience of the arts**

Rich experience of a variety of arts

**personal competencies**

none?

What can we say about this analysis? If there are qualities which are in the self-interest of those who need to acquire them, and moreover, if those individuals are aware of both the need and the way in which it serves their self-interest<sup>42</sup>, then it seems highly likely that they will seek to acquire these qualities and skills. Of course, we can only say that this is 'highly likely' - but then we would not be able to guarantee more under a compulsory curriculum for autonomy, for reasons given in chapter 3 (3.4) when we discussed these issues in that context<sup>43</sup>.

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<sup>42</sup> Perhaps because they are clearly the qualities which would interest employers, or which would enable someone to find a partner and raise a family, etc.

<sup>43</sup> Note too that children need to be motivated in order to take in a compulsory curriculum, and a strong motivator, perhaps explicitly used as such by teachers, is likely to be this notion of self-interest or instrumental value.

White, I suggest, would have two problems with this: Firstly, he could point out that, although that it is likely that many of these qualities could arise 'spontaneously' by families pursuing their own ends (that is, in the language of this chapter, these externalities will be produced without state intervention), the crucial factor will be that not *all* families will be pursuing these ends: some families will not do what is in their own self-interest to do. Secondly, he could point out that I have conceded that there are some parts of his curriculum for autonomy not likely to be being met in any family pursuing these instrumental or self-interested goals. He could of course agree that there would be some additional families who *would* be pursuing these other qualities and skills for 'intrinsic reasons' - but still there would remain the problem of those families not doing so.

In the case of the first problem, what we are saying in effect is that there are some families who are not concerned with, or knowledgeable about, their own welfare, and are consequently not pursuing their own self-interest. White's solution to this would be to impose a compulsory curriculum for autonomy on them. This might not be effective, for all the reasons already given in chapters 3 and 4. But would it indeed be necessary? Firstly, it could well be that in West's market model, the inspectorate's 'rules of thumb' would include considerations relating to people pursuing their own welfare. Moreover, our discussion of game theory points us to the possibility that through the example and concern of others in the community, these families could come to develop those qualities and skills too<sup>44</sup>.

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<sup>44</sup> The population of 'meanies' could be 'invaded' by the cooperators, to put it into the language of game theory.

As far as the second problem is concerned, again White's solution would be to impose these missing qualities and skills through a national curriculum. Again, there are many difficulties with this, as already discussed. But again, would it be necessary to do so? There would be a multitude of ways in which educational reformers concerned with these issues could avoid this implication. They could campaign to promote these ideas to educators, to parents, to the inspectorate, or to the media<sup>45</sup>. Or they might promote local action, local initiatives, local experimentation, and hope that programmes arise which can be imitated or adapted to other areas.

But supposing these ideas consistently failed to interest those people who didn't seek to promote these values and skills for themselves or their families. Suppose, for example, that families just weren't interested in promoting the value of 'openness towards one's value system'. What would the educational reformers do then? They would have to concede defeat, or try again at another time. But this exactly parallels the situation of imposing these values through an improved democracy, for example, one that was more responsive to political equality, which as we have seen, in chapter 5, White seeks. In a more responsive democracy, the educational reformers' ideas would have to convince the public, and would fail to be implemented if there was not enough public support. Only when people were willing to take them on would they be implemented through the democratic system. In the case of bringing them about

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<sup>45</sup> For example, Medved notes how the boycott weapon has been used by advertisers to promote certain values: the Burger King Corporation refused to use their advertising in any programs which were undermining 'traditional American values' including 'the importance of the family' (Medved 1992 p. 330).

without the state, the same conclusion arises<sup>46</sup>.

To summarise, the argument is that it is possible for the externality of 'education for autonomy for all', as stipulated by White (and O'Hear) to arise without state intervention at all, through, firstly, people pursuing their own self-interest, and secondly, through the campaigns of educational reformers. This is not to say that it will arise, but then we have already seen difficulties with it arising *with* state intervention.

### *Education for democracy for all*

Similar considerations to those discussed under education for autonomy apply here. Some parts of the curriculum for democracy are likely to be in the self-interest or of instrumental value to parents or children - for example, knowing how to vote or how to lobby political representatives, and so on. But there are likely to be parts of the curriculum which, although they would be in the peoples' self-interest to know of, are likely to be difficult to discover. In these cases, however, another important factor, as noted in West's discussion in chapter 3, also arises here, for it is in the interests of political parties and lobbying groups to foster interest in their policies and the shortcomings of the opposition, etc. Also it is in the interests of the media - particularly newspapers and documentary film-makers - to ensure that there is much public debate and interest around political matters. We see this clearly in our system how independent television producers and newspaper editors constantly seek out

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<sup>46</sup> To put it into the language of game theory, White and Raz, for example, could see themselves as part of that vanguard, the cooperative subgroup, invading the population of 'meanies'.

exposés of government or opposition scandals or inadequacies. So much of value of an education for democracy can be provided without the state, by individuals pursuing their own interest. Again, those seeking state-promoted curriculum would be worried that not all would receive this curriculum if it was left to the whims of these independent agencies. We have already discussed this important issue in chapter 3 (3.6). Again, we can conclude that the externality of education for democracy for all could arise without state intervention, that mechanisms of self-interest exist which would ensure this.

*Conclusions: West's market model and the public goods dilemma*

Where does this leave our discussion of objections to West's market model? The argument against the model was that because education is a public good, that it is inappropriate for its allocation to be left to markets. Our provisional conclusion is that it is *possible* that education is an 'impure' public good, (in the sense that it has externalities which are likely to be highly non-excludable, indivisible, and/or nonrival). But this then raised the crucial issue of whether the economists were correct in suggesting that the qualities of nonexcludability, nonrivalness and/or indivisibility really did imply that the goods in question would not be provided, or be underprovided, by markets; this we pointed out was the 'public goods dilemma'. When applied to educational provision, the question raised was whether, without state intervention, the market would underprovide, or fail to provide, the externalities desired from education. In particular, in terms of education for democracy and education for autonomy, this questioned propositions 4 and 5 of chapters 3 and 4.

We examined one argument that there would be this ‘market failure’, that of Ruth Jonathan, under the spotlight of the literature concerned with this public goods dilemma. We showed that she was not, in general, correct in her assumption, that the prisoner’s dilemma showed that there *would* be market failure as regards educational provision, funding and regulation without the state. This was true even when we considered the simplest two-person one-off game; it became much harder to sustain as we looked at more complicated many-person iterated games. Similarly we can say that Raz was incorrect in his strong assumptions raised in chapter 4 about the public goods dilemma; again we have another strong challenge to his ‘contingent objection’, a suggestion that in order to provide the desirable outcomes of education, it might not be necessary to have the state intervene. In terms of the desired education for autonomy, and education for democracy, it was suggested that these could emerge without state intervention. But crucially, although the argument as to how they might emerge was necessarily rather loose and speculative, we challenged the argument which purported to show that they *couldn’t* so emerge on stronger, logical grounds.

Both the prisoner’s dilemma and the public goods dilemma have a deceptive appeal. They seem as if they can, simply and logically, justify the need for state intervention in our lives, to secure valuable aims. But once the dilemmas are put under close scrutiny, this initial appeal often fails: we have shown this to be the case as regards education. We have taken the logical argument as far as it can go - and shown that there is no foundation to the defeatism which would suggest we need state intervention to provide desired externalities of education. There is a need for historical work to take this discussion further. Possible such work could build on the comments

made in appendix 1 and show that the voluntary decisions of ordinary individuals in the nineteenth century laid the foundations for approximations to education for autonomy, education for citizenship, and also, intriguingly, equality of educational opportunity: all before the state got involved. However, such work is definitely beyond the scope of this thesis: It is time to draw all these threads together; the final chapter will assess the case against West's market model in educational provision and draw out the minimal implications of this for state intervention in education.

### ***Chapter 7: Education and the State Revisited***

In the newspaper this morning (*Daily Telegraph* January 8th 1994) are two stories. One concerns the raging debate about *in vitro* fertilisation, specifically the removal of eggs from aborted fetuses. The voices raised against this uniformly believe that the regulatory body, the Human Fertilisation and Embryology Authority (HFEA), should use its statutory powers and ban it. The second story concerns the urgent need for child-care facilities, to prevent young children from being left on their own while both parents are at work. Here the appeal is for governments to step in and provide these.

Both stories illustrate a widespread ‘mindset’ about the role of government. If it is bad, ban it; if it is good, governments should provide it. But there is an alternative position: that if something is bad, certainly campaign against it, invoke moral outrage, and so on, but don’t involve government; similarly if something is good, campaign for it, organise and lobby for it from voluntary and private interests, but again don’t involve government<sup>1</sup>.

It is this ‘mindset’ that this thesis has addressed, concerning state intervention in education: There are many desirable intrinsic and extrinsic benefits sought from education; we seek, for example, that children should grow up to develop and thrive, to become autonomous, to become good citizens of a democracy, and so on; therefore

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<sup>1</sup> A converse trap which libertarians often fall into is to think that just because something shouldn’t be banned, that therefore it must be good: so libertarians often think it is *de rigueur* to praise pornography. An alternative position is to agree that pornography shouldn’t be banned, but still to argue against it.



governments must step in to provide these things. This is the position which has been challenged, using the seminal work of E.G West.

We set out West's 'market model' of education in chapter 1. This began with four assumptions about an imaginary society: *firstly*, that the 'protection of minors principle' prevailed, conceding that the state could intervene in those cases where it was discovered that any child was being deprived by its family of an 'adequate minimum education'. *Secondly*, that there was as yet no state involvement in that society, hence that we were in an 'original position', able to decide what state intervention would be desirable and justified. *Thirdly*, that in this low tax society, most parents were able to afford to provide educational opportunities for their children: indeed, *fourthly*, the great majority of parents were doing that. From these four assumptions, West arrived at conclusions about the justified minimum state intervention: these were that the state was justified in ensuring that every child had access to a 'minimum adequate education'; that an inspectorate should be set up to enforce this; that funding should be arranged so that those too poor to provide these opportunities could do so; and finally, that selective compulsion should similarly ensure that the irresponsible also provided access to these opportunities for their children. We then set out to examine some philosophical issues raised by this discussion.

In chapter 2, we showed that, very plausibly, West's 'minimum adequate education for all' could satisfy those concerned with 'equality of educational opportunity'. This was argued by following the arguments of three prominent philosophers, Bernard

Williams, John Rawls, and Ronald Dworkin - philosophers, moreover, likely to be used by the political left to support their anti-market stance. This discussion was all very abstract in that it assumed that we would know what the curriculum for West's 'minimum adequate education' would be. We turned to this 'fleshing out' in chapters 3 and 4.

Chapter 3 showed that there were difficulties in defining the curriculum in terms of 'education for democracy'. These were logical difficulties, and involved showing that those committed to states being involved in the curriculum for democracy would also need to be committed to a 'fitness test' for participation in democracy. Most, it was suggested, would then reject this position. Similarly, chapter 4 showed that there were problems with using an 'education for autonomy' to similarly flesh out West's 'minimum adequate education'. This was in particular because, not only could we find no positive justification for the state to be involved in the promotion of autonomy - in particular by examining Joseph Raz's arguments - but also because the 'epistemic argument' seemed to undermine the justification for *any* centrally-planned compulsory curriculum.

Not being able to use the two most promising curricula possibilities to 'flesh out' West's 'minimum adequate education', we turned to examine the possibility that what was desirable instead was that the democracy should decide on this curriculum content. Thus in *chapter 5* we explored an argument for democratic control of the curriculum - with wider implications for education more generally. We found this argument floundering on logical constraints to improvements to democracy. It was

suggested that some compromise might be found by those supporting democratic control, in that some voting systems might be better than others, and not fall foul of all the difficulties mentioned. But this then raised the issue of whether it was all worth the effort, whether in fact the justifications for democracy could indeed be met within, for example, West's market model. The suggestion was, indeed, that they could.

This brought us to consider, again, the curriculum for West's 'minimum adequate education'. The suggestion was that the curriculum content itself could be left to the market. As far as the inspectorate went, it was suggested that they would use 'rules of thumb' evolved in their own traditions to decide which educational opportunities were inadequate. Hence West's minimum adequate education could be ensured *without* the state being involved in promoting a particular curriculum.

There was one strand of the argument which had been revealed several times in chapters 3 and 4, and also which pervaded West's own writing, and that concerned whether or not education was a public good, and whether its 'externalities' fell foul of the 'public goods dilemma'. These issues were taken up in *chapter 6*. Here it was argued that education could well be a public good of some description. However, when the public goods dilemma was explored in detail - and shown to be dependent upon game theoretic ideas - we discovered that there was not a strong argument for assuming that the state needed to be involved in the promotion, regulation or funding of education, over and above the involvement laid out in West's thesis.

We can return now to West's conclusions in chapter 1, to see how they fare against

this discussion. Recall that several of the issues were empirical ones, which we are no closer to resolving now - so, for example, we still wouldn't know how many families would fit into each of West's groups 1-4 (including the revised 1a-1e). But one comment worth recalling was that, if the curriculum for the 'minimum adequate education' was very demanding, this might lead to more families not meeting these requirements, hence require a larger role for the state. We still can't answer this issue - but at least we have ruled out, for many readers, what seemed to be the very demanding curricula of education for democracy, and education for autonomy, and hence provided some support for West's optimism about the numbers of families who would be able to provide an adequate education for their children.

If we return to the possible positions compatible with West's argument, outlined in chapter 1, (1.7), can we adjudicate between them as we suggested? Probably not. It is clear that some could have come with me all the way in the thesis and still argue that the assumptions of West's market model *would* lead to a national curriculum (for those who felt that the discussion of education for democracy didn't rule this out - that is, for example, for those who wouldn't mind the commitment to fitness tests for democracy, who saw no contradiction between propositions 3 and 3\* of chapter 3; or for those who floundered on the need for inspections to utilise 'rules of thumb') that it could lead to universal compulsion, funding and provision (because we haven't been able to address the empirical issues of invasiveness, means-testing, and the expense of administering vouchers); moreover, some could still be unpersuaded by the discussion of chapter 5 and argue that what is required is democratic control of the curriculum, or of education more generally, and that this can be achieved in an

improved democracy - albeit one with very complicated voting procedures.

However, if the weight of the arguments of this thesis *are* accepted, then several issues, it is hoped, will be less indeterminate than they appeared in chapter 1. The issue of equality of opportunity will have been shown not to be a valid objection against West's market model, in terms of provision, funding or regulation. But it is also hoped that the idea of a national curriculum, in particular the proposed national curricula reviewed here, will be found to be strongly opposed. Hence, it could be argued that West's neglect of discussion of the curriculum was vindicated, because the discussion here has argued against states being involved in this area. It is also hoped that the discussion on democratic control of education will have persuaded some that even allowing democratic states into the areas of funding and provision, as well as the curriculum, was not desirable, and not necessary to ensure its desired ends. Finally, as far as the discussion of the empirical issues noted in chapter 1 is concerned, chapter 6 is likely to have application there: for the arguments there will provide a powerful counter to those economists and educationalists who will seek to supplement empirical claims with theoretical discussion based on the notion that education is a public good.

The 'public goods' discussion brings us to another interesting observation on West's thesis: for West allowed that there was a role for the state in ensuring a minimum adequate education for all, in other words, in ensuring that 'equality of educational opportunity' prevailed. But is even that state involvement necessary? For, in the game theoretic discussion of chapter 6 (6.3, fourth model) it was suggested that it might be in the self-interest of members of the community to fund those who couldn't afford

educational opportunities for themselves. Perhaps then, it could be the case that this externality could also be provided *without* state intervention? What sort of mechanisms might there be which could help to bring this about? There could be businesses financing the education of the poorer people in their area (to ensure capable employees, or to raise their public-relations profile); families could be sponsoring poorer people out of altruism; schools could provide for poorer members of the society by doing 'education with production', making goods and selling them, or providing services at a profit, and using these services to fund the poorer children; entrepreneurs could link the provision of schooling in a community to the purchase of a private good: some could set up schools that are free or subsidised at the point of delivery, but where children purchase food, books, writing and sports equipment on the premises<sup>2</sup>; finally, an educational service could be provided as a 'public good' through privately-financed radio, television and computer networks<sup>3</sup>.

The point being made in these examples is that, if the state safety-net was withdrawn, it does not necessarily follow that the externality of 'equality of educational opportunity', West's 'minimum adequate education', would also simply disappear. If the safety-net was not there, it could be that people themselves would be freed to

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<sup>2</sup> The producers of these private goods would find it is in their economic interests to subsidise the schooling in order to raise revenue - in much the same way that shops in a shopping mall contribute to the 'public good' of the street lighting and cleaning etc. see Cowen 1992 p. 10.

<sup>3</sup> This would benefit two sets of producers who would be able to tie-in their private goods with this public goods provision, and hence be willing to subsidy this: these are, firstly, advertisers, who would be keen to fund part of the cost of the service to get their message across to all young people; secondly, the producers of the radio, television and computer hardware and software, who would be keen to subsidise the educational network so that more children and parents will buy their equipment.

think up many ways of providing for educational opportunities for those unwilling or unable to provide for them - out of both self-interest, and through altruism.

This kind of discussion is speculative, and is beyond the scope of the thesis to explore. However, it does point to areas of future research which might be profitable to pursue, seeking to ascertain the viability of a more 'libertarian' position than West was willing to adopt, at least in West (1970). Another profitable area for future research would be to take the 'epistemic argument' further, and provide a thorough philosophical *defence* of markets in education (for this thesis has been more narrowly concerned with considering some objections to markets, rather than making a full defence). Such a defence would require exploration of the work of, *inter alia*, Hayek (1960, 1978, 1982). And of course, further work in defence of markets would need to go beyond a philosophical perspective, and examine historical and empirical evidence: such work could build on the arguments of West elsewhere (West 1975b, 1975c, 1981, 1984, 1985, 1986, 1989, 1990, 1991).

Finally, we can make some suggestions about how this discussion fits into the debate about current reforms in England & Wales, particularly those ushered in with the 1988 Education Reform Act. Because this thesis is concerned with 'markets' in education, and the current reforms are often proclaimed, by supporters and detractors alike<sup>4</sup>, as being concerned with markets, does this mean that the positive conclusions here could also be modified to be positive arguments for current reforms? Or similarly, could, as

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<sup>4</sup> Ranson, for example, has recently noted that the 'Conservative Government in the UK has over time introduced complex administrative regulations designed to create a highly structured market of educational choice' (Ranson 1993 p. 334).

argued by Ranson (1993), negative practical outcomes of current reforms be used as valid objections to markets in education in general, and hence undermine the theoretical discussion of West's market model? The crucial question is: are what is being promoted through current reforms in England & Wales really 'markets'? At its most basic level, a 'market' is a mechanism for the registering of preferences and apportioning of resources in a society, and can be *contrasted* with government planning procedures for achieving the same ends. So on one level, because under current reforms government funds schooling through taxation, which is provided 'free' at the point of delivery, it could be argued that this situation bears very little resemblance to a market of any description. In real markets decisions about funding would be in the hands of those seeking the educational opportunities. (This is the case in West's market model, where all except the poor and irresponsible make decisions about education and fund these according to their own wishes). However, as the term is commonly used, it is possible also to have market mechanisms within government funded and/or government supplied institutions. In these cases, commonly called 'internal markets', the resources to be apportioned are those funded and/or supplied by the government. So, with this caveat, can the current situation be described as an 'internal market'? Now, there are two aspects to any market - the supply side and the demand side. Through the demand side, individual's preferences are expressed, and the supply side then apports the resources. Certainly, the *demand* side - with 'money follow students' through *per capita* funding and less control over enrolment - has been opened up to a certain extent under current reforms. But crucially, the *supply* side has not been liberated: it is very difficult to set up a school, there is unfair competition between schools - for state schools are subsidised, private schools not;



moreover, although there are moves afoot to allow schools to 'opt-in' to the state system and receive funding on the same basis as state schools, the rules only allow this to happen if there are no 'surplus places' in the local area, something which is unlikely to occur very often. Finally, and very importantly, although it is unrealistic to expect a market not to be regulated, the regulation of the National Curriculum is precisely that which undermines the possibility of a liberated supply-side, for it imposes heavy restrictions on the degree of diversity tolerated.

So what we see as a result of the current reforms could not really be referred to as a 'market', not even an 'internal market'. Thus on one level the considerations of this thesis cannot be used to support the current reforms, nor can practical criticism of these reforms be used to undermine the discussion here. However, what the arguments here can do is, firstly, to point out the inconsistencies between elements of current reforms - for example, by suggesting that, if it is market mechanism which are sought, then it is not much good allowing demand to express itself through per capita funding, if the supply-side is also not opened up. Secondly, the arguments here can be used to support certain possible future developments which *do* fall in line with genuine market or 'internal market' reforms. For example, if the debate about vouchers begins again, or if schools seek more to diversify, or schools are allowed to opt-in to the state system. For likely objections to such moves from the 'political left' would be in terms of the failure to satisfy equality of opportunity, or the need to strengthen the links between democracy and education, or apprehensions about the 'public good' of education. The discussion of this thesis could then be adapted to counter such criticisms.

One final comment about the conclusions of this thesis. The arguments throughout, but particularly in the last chapter, could be seen to be aimed at those who would like to do something to help ameliorate educational disadvantage and injustice, but feel that the only way to approach this is through collective *political* action. My thesis suggests that there is an alternative approach, that voluntary activity can be very important and worthwhile. People of goodwill and social concern could, it is suggested, put less of an effort, and less funds, into politics, and more into grassroots projects in their neighbourhoods. Crucially, they need not feel that this activity would be futile or second-best.

## APPENDICES

### *Appendix 1 (Chapter 1)*

#### *Historical evidence from nineteenth-century England & Wales*

E.G. West's 4th assumption of near-universal educational provision was inspired by his reading of the historical evidence of educational provision in Victorian England & Wales. In this appendix I review his arguments, and those of some of his critics.

#### *Quantitative issues*

West's major insight, widely accepted now by historians of the political 'left' and 'right', was that before the state intervened in 1870 (and its intervention before that had little impact) there was widespread provision of schooling in England & Wales. From the political 'left', for example, Johnson notes that: 'One of the most interesting developments in working-class history has been the rediscovery of popular educational traditions, the springs of action of which owed little to philanthropic, ecclesiastical or state provision.' (Johnson 1979 p. 75). He cites West as one of the sources of this revisionism.

West's argument is that, prior to the major state involvement in education through the 1870 Act, school attendance rates and literacy rates were high. As regards literacy, West first notes the substantial circumstantial evidence, that until 1833, the action of the state was one of deliberate hindrance of individual efforts towards literacy (West 1970 p. 127). For example, there were fiscal and legal actions against the spread of newspapers. Steam printing was introduced in the 1830s and caused reductions in the price of newspapers, which began to increase their sales, despite restrictive taxes: 'That a mass newspaper-reading public was already in existence well before 1870 is now firmly acknowledged by specialist writers' (p. 128). Secondly, he reviews statistical evidence including records of educational qualifications of criminals, records of workhouse children, workplace literacy returns, and numbers of people signing the marriage register. From these various sources, he concludes that '93% of school leavers were already literate when the 1870 board schools first began to operate' (p. 137).

As regards schooling, West uses a variety of widely available statistics, including the report of the Newcastle Commission on Popular Education, published in 1861. Its results showed that 95.5% of children were in school for up to 6 years. The remaining 4.5% could be accounted for by sick children, children educated at home, and also perhaps an error in estimation (p. 142).

When Forster introduced his Education Bill of 1870 into parliament, he made no reference to the Newcastle Commission's findings, but relied on evidence from a small scale survey conducted by two inspectors in 1869 over a period of a few months in four industrial towns, Liverpool, Manchester, Leeds and Birmingham (p. 144). In Liverpool, for example, he argued that, out of an estimated 80 000

children of school age, '20 000 of them attend no school whatever, while at least another 20 000 attend schools where they get an education not worth having' (quoted p. 144). Is this discrepancy between Forster's and the Newcastle Commission's results significant? West notes that it arises because of the definition of 'school age'. The Newcastle Commission had discovered that a typical child was at school for 5.7 years. Forster had assumed that the school age population was of children between the ages of 5 and 13, i.e. an 8 year schooling period. Even if we assume that the school age period had increased from 5.7 to 6 years by the time of Forster's survey, then instead of his estimated 80 000 children of school age, we are likely to find a reduced figure of 60 000, (ie 3/4 of 80 000). This was exactly the figure that Forster's survey found in school!<sup>1</sup>.

We must be clear exactly what level of government funding we are concerned with before 1870. There was some state subsidy to schooling from 1833. However, when presenting his evidence for his 1870 Bill, Forster noted that two-thirds of funding came from non-state sources, (parents fees and Church and philanthropic funds) and this was evidence regarding schools in receipt of public subsidies: in other schools, of course, state support would be zero (West 1983 p. 427). Also note that the *biggest* part of the school fees were provided by parents (p. 427)<sup>2</sup>.

Now, although West's insight that there was substantial non-state educational provision, his precise figures are disputed. One argument comes from Green, who states that West 'has attempted to rehabilitate the reputation of English educational *laissez-faire*, arguing that reformers ... exaggerated English deficiencies. However, comparative data, which West largely ignores, vindicates the deficiency verdict, *at least in terms of the relative position of English education*' (Green 1990 p. 11, emphasis added).

That is, Green suggests that the main thrust against the English system is that it was failing to achieve the same levels of enrolment and literacy as the heavily interventionist European states. However, when he actually gets around to reviewing this evidence, it transpires that even according to him, England's relative position in the mid nineteenth-century was *better than France's* as regards the percentage of the population receiving schooling, (p. 15) and with regard to adult literacy (p. 25). Green neither disputes that there was a widespread 'national network' of schools in Victorian England & Wales without the state (p. 8), nor does he dispute that this was more effective than the French centralised

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<sup>1</sup> The fallacy that Forster committed would be rather like defining the proper school leaving age in England today as 20 years, working out the number of children in school, and then claiming that a great number of 'school-age' children were not in school at all. The Report of the Statistical Society of Bristol, in the *Journal of the Statistical Society of London*, iv (1841) 252-3, first pointed out Forster's error (West 1983 fn6 pp. 80-1).

<sup>2</sup> Note Kiesling's (1983) misunderstanding of this point.

state educational system. It doesn't seem that his challenge to West is as substantial as he suggests. Other historians concur: Stephens notes that in the period 1850-90, 'the proportion of literate persons in England' was higher than in France, although less than in Germany (Stephens 1987 p. 16).

A second criticism comes from Stephens. He thinks that West has taken the Newcastle Commission's conclusions too literally. He says that their estimate of time spent in school of 'five to seven years' (Stephens 1987 p. 52)<sup>3</sup> was probably on the optimistic side: 'At all events this time probably included years spent as toddlers from three years of age upwards, and anyway, being an average, varied greatly from place to place, and was in practice reduced by irregular attendance.' (p. 52). Now, even if Stephens is correct in this observation, then it is clear that he is not undermining the basic claim of West - only that he is arguing over the specific details of what exactly the percentages were of children who were in schooling or adults who were literate. He is not disputing West's fundamental claim that without the state (or with very minimal state interference), there were very high literacy and schooling. It is undisputed that the majority of children were literate and attending school to some degree.

It is crucial to recall that this was in an age of great poverty. Perhaps the crucial question for our purposes, trying to extrapolate from this evidence conclusions about education without the state more generally, is to what extent any shortcomings in schooling provision were the result of such economic factors. We shall turn to this question below.

Now John Stuart Mill writing in 1834 would have concurred with this conclusion: 'As far, therefore, as *quantity* of teaching is concerned, the education of our people is, or will speedily be, amply provided for.' However, he continues: 'It is the *quality* which so grievously demands the amending hand of government. And this is the demand which is principally in danger of being obstructed by popular apathy and ignorance.' (quoted in Garforth 1980 p. 114)<sup>4</sup>. This is crucial. Even if it is conceded that there was schooling of this sort, this is still a long shot from saying that the schooling was of an 'adequate' quality without the state. What can we say about the quality of schooling in nineteenth-century England & Wales?

#### *Quality of schooling*

It is clearly very difficult to make an assessment of the quality of schooling received by children in the nineteenth century. Even if it was unremittingly bad, this would not necessarily have any bearing when

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<sup>3</sup> I think he means 5.7 years here.

<sup>4</sup> Note that Mill's objections might be the objections of a perfectionist: he also objected to the quality of the Universities of Oxford and Cambridge, to which he 'directed his most scathing criticism' (Garforth 1980 p. 113).

we come to extrapolate from the evidence - for not only have educational ideas changed, but also we would want to consider what effect poverty would have had on the quality of schooling. Moreover, as far as the *educational* experiences of children more generally are concerned, schooling may not have been the most significant component in any case - we will return to this below. It is difficult to make the assessment, but many writers have done so and so it is important to at least examine some of the evidence.

Two of the factors often cited as leading to a poor quality of schooling were very likely to be the effects of poverty, namely poor school attendance, and an early school-leaving age. As far as school attendance is concerned, West notes: 'It is now a recognised world-wide phenomenon that absenteeism from schools is more common in agricultural areas, whether their education is compulsory or not, and whether they have state schooling or private schooling' (West 1970 p. 161). Periodic absence from school was thus not necessarily a sign of parental negligence, but of 'judicious weighing of the expected sacrifice in family income against the expected educational benefits' (p. 162). Similarly for the school leaving age, parents were often too poor to send their children to school above a certain age, whether they wanted to or not (p. 163). (We will discuss parental attitudes further below).

What of the quality of the curriculum and teaching? It is worth remarking that with state involvement, the quality issue does not necessarily get solved. For example, Green, whom we noted is highly critical of West's position, himself points out that just because a state was heavily involved in education, 'this does not mean that what [was] taught was necessarily desirable from all points of view, and indeed, the kinds of knowledge and attitudes that were transmitted by the most efficient systems, notably in Prussia, often reflected most illiberal and doctrinaire purposes on the part of the state, and consequently engendered great suspicion amongst those with more democratic leanings.' (Green 1990 p. 8). Similarly, there is Mill's well-known warning that a 'general State education is a mere contrivance for moulding people to be exactly like one another.... in proportion as it is efficient and successful, it establishes a despotism over the mind, leading by natural tendency to one over the body.' (Mill [1859], 1972 p. 175).

So with the state controlling curriculum and teaching, there may still be problems. But what about without? The educational reformers of the nineteenth century were adamant that the quality of schooling needed to be improved, and could be improved only with state action. Recent historians have concurred with this. For example, Stephens notes: 'With the advent of government funding and inspection, followed by the introduction into public schools of pupil teachers, increasing numbers of trained teachers, better buildings and equipment, more generous provision of books and so on, the benefit of a sound curriculum and teaching methods, and the pressure for regular attendance, standards in inspected public schools, particularly from the 1850s, *must certainly have outstripped* those of schools

reliant on local funding and school pence and under less external pressure.' (Stephens 1987 p. 25, emphasis added).

That is, the intervention of government had the effect of improving the quality of schooling, which would not otherwise have occurred. Two comments about this. Firstly, it is not true that these 'improvements' could have come about only through state intervention. Some of them were simply the result of more funds (buildings, equipment, books), and more funds could have come from other sources besides the state - from voluntary contributions, charities, or simply improved wealth over time of the people buying schooling. Moreover, Stephens can't mean that 'the pressure for regular attendance' was state-induced, because schooling didn't become compulsory for some years after the period he is surveying. So this must have been something that happened irrespective of state involvement<sup>5</sup>.

Secondly, how can we be so sure that the 'improvements' he is describing did lead to higher standards? It is a common assumption today that better buildings, resources, trained teachers, etc., do lead to higher quality - but in recent years, researchers have tried to look for correlations between these things and found none (see for example Chubb and Moe 1990). As far as the situation in the nineteenth-century is concerned, there may be other factors which mitigate against Stephens' conclusions. Concerning trained teachers, West points out that the teacher training at the time consisted overwhelmingly of rote-learning and that 'seems at least arguable that the communication of adults from varied occupations might, on average, have been more useful and inspiring to children in school rooms than [trained teachers] parroting of English Literature [from] young school teachers who, in their own lives, had had little time to do anything else' (West 1970 p. 168). Johnson notes the preponderance of politically radical teachers in the uninspected schools: 'Teaching was indeed an obvious resource for an intelligent, self-educated man or woman especially if he or she had already fallen foul of employers or other authorities.' (Johnson 1979 p. 81). So it might not have been the case that trained teachers led to a higher quality of schooling.

Doubts must be cast on Stephens' suggestion that government inspection also led to higher quality of education: it must be noted that the inspectors' early official concept of educational efficiency meant 'a schooling which scored high marks in divinity and morality' (West 1970b p. 90). Indeed, some schools were deemed worthless precisely because of failure in moral and religious training. But it is likely that many parents felt that these aspects of education were being largely catered for in the family

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<sup>5</sup> Also note that the type of state intervention he is referring to is pretty minimal. These 'public schools' he is describing are simply publicly-inspected schools, with some small government subsidy. They are not what we would term 'publicly provided' today. (In fact they are more akin to schools within West's market model!) So even if Stephens is correct, and these were of much higher quality than the non-inspected schools, then this would be an argument only for inspection and very small subsidy - it is not an argument for state provision or funding in general.



and in the Sunday Schools - 'on week-days families were demanding education in more "practical" matters', (p. 91), such as reading, writing and arithmetic. Moreover, it must be noted that inspectors making these criticisms are known to have had particular biases. For example, H.S Tremenhoe in the early 1850s noted that the people's education enabled them to read 'seditious literature without having the moral or intellectual strength to discern its falseness' (Stephens 1987 p. 133). This was literature which was 'exaggerating the principle of equality before God and the law', and encouraging workers to be antagonistic towards their employers (p. 133). With prejudices like these, it may well be that the inspector's reports were not as valuable as Stephens suggests, nor as likely to lead to improved quality of educational experiences.

Again, the assumption that better buildings were likely to have led to educational improvements may also be far-fetched. It too may have had no impact at all on children - indeed, as Gardner noted, it may well have meant schooling in large, cold, regimented factory-like surroundings, rather than the cosy schoolroom of the dame school, and may in fact have been detrimental to education<sup>6</sup>.

Green also argues that the quality of schooling in nineteenth-century England & Wales was very poor. He argues that even the quality of *post-elementary* schooling for the middle-classes was inferior to that found in continental Europe. He arrives at this conclusion by noting that there were only 100 secondary schools in England & Wales that even aspired to the standards of the German *Gymnasien*; 'and one may doubt whether any of these matched the latter's academic standards'. (Green 1990 p. 17). But even if this figure of 100 is correct, then this is to be compared with 139 *Gymnasien* (p. 16) which is a greater number, true, but not that much more. Moreover, in France, there were only 77 *lycées*. But how is

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<sup>6</sup> Stephens does give us some evidence to support his statement, but none of it seems very substantial. One statistic he gives us that by 1851, 'about 89 per cent of boys and girls in the voluntary schools were learning reading as opposed to 84 per cent of boys and 87 per cent of girls in private schools.' (Stephens 1987 pp. 25-6). These are very minor differences, perhaps not statistically significant. Writing was also less commonly taught in the private schools than in the public schools, but he says that this 'reflects the greater concentration of the very young in the dame schools, many of which did not teach writing' (p. 26). He also tells us that the uninspected schools were 'certainly less efficient than the inspected schools. It was reckoned that in the uninspected schools of Birmingham less than a quarter of pupils would have passed the appropriate examination under the Revised Code.' (p. 149). How many would have passed in the inspected schools? How was the previous figure obtained, if the schools were not inspected? Were the inspected schools better because of the better training of teachers, etc., or was there some other reason? We are left in the dark with the information given. Some schools were run 'cheaply with uncertified teachers and poor equipment; they were thus unable to obtain government grants and a bad situation was compounded.' (p. 204). But why does this tell us that the quality of schooling was low? We simply do not know whether certified teachers were really any better. He tells us that the inspectorate were dismayed by the 'number of poorly staffed, ill equipped schools.' (p. 262). He notes that one report showed that 'educational progress since 1853' in Monmouthshire was very marked, yet points out that this can't have been the case, because of the low number of certified teachers and schools in positions of grants. His assumption is that these are related to educational quality: but it is an assumption not borne out by this particular evidence.

his figure of 100 obtained? He notes that there were in total, according to the Taunton Commission of 1868, 9 public schools, 46 boarding schools and 209 endowed grammar schools, plus a 'dense outgrowth of "lesser" private schools' (p. 17). As the Commissioners found most of the lesser private schools 'unspeakably bad', and the endowed grammar schools generally 'very unsatisfactory' and 'chaotic' (p. 17), Green wants to ignore most of these from his calculations. However, he admits that 70 of the grammar schools sent children to university, which suggests that these at least can't have been that bad. So even taking these 70, and adding them to the 46 and 9 upper class élitist schools, then we actually have not 100 but 125 schools - which is much closer to the German figure, and nearly twice as high as that in France. But note that, while he has doubted the quality of the English schools, he has assumed that all of the continental schools were of a high standard. How does he make this assumption? Perhaps if there had been similar Commissions set up in Prussia and France, they too would have found some at least of those schools below standard? It seems that Green's evidence does not lead us to conclude that the quality of education without the state in England & Wales was necessarily so bad after all.

We conclude that, given the poverty of the period, the quality of education without the state may not have been as bad as was suggested by contemporary observers, and reinforced by modern historians. It is important to stress the poverty aspect, for we are considering whether there could have been improvements without the state, given an increase in the wealth of the nation. It seems plausible that the improvements noted by historians as being a product of state intervention could either have occurred without the state, but with an improvement in the wealth of the society, or it is questionable whether they were improvements in the quality of schooling at all<sup>7</sup>.

Remember too that we are talking about the quality of schooling, and not 'education' more generally. The education that was going on elsewhere in children's lives is not taken into account in any of the above. In homes, communities, churches, etc, there may well have been extensive educational opportunities, which may well have been vastly superior to those received by children in schools this century. (Moreover, what might be termed negative educational experiences, such as 'pulp' television viewing, were not rife then). For example, Johnson comments on one undervalued 'popular educational resource: the working-class family itself' (Johnson 1979 p. 75), where families must be understood in the extended sense of fathers, mothers, uncles and grandparents (pp. 80ff). He notes that part of the tradition of working class 'radical education' was a critique of all forms of provided education, including opposition to a centralized state system (p. 76), and an emphasis on 'men and women as

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<sup>7</sup> One other complaint of the nineteenth century reformers must be noted: in the 1830s the Manchester Statistical Society complained that pupil-teacher ratios were too high. The figure they found was 26.8 pupils per teacher. In 1967 there were 29.7 pupils per teacher in English primary schools! (West (1970b) p. 90).

educators of their own children' (p. 77). In addition, he notes the educational resources of 'neighbourhood and even place of work, whether within the household or outside it, the acquisition of literacy from mothers or fathers, the use of the knowledgeable friend or neighbour, or the 'scholar' in neighbouring town or village, the work-place discussion and formal and informal apprenticeships, the extensive networks of private schools and, in many cases, the local Sunday schools, most un-school-like of the new devices, excellently adapted to working-class needs. ... communal reading and discussion groups, the facilities for newspapers in pub, coffee house or reading room, the broader cultural politics of Chartist or Owenite branch-life, the institution of the travelling lecturer who, often indistinguishable from "missionary" or demagogue, toured the radical centres, and, above all, the radical press, the most successful radical invention and an extremely flexible (and therefore ubiquitous) educational form. ... best thought of as a series of educational networks.' (p. 80). William Cobbett - the 'original de-schooler' - wrote 'What need had we of *schools*? What need of *teachers*? What need of scolding or force, to induce children to read and write and love books.' (quoted p. 78).

Schooling is not contiguous with education, and even the quality of schooling was bad, this does not necessarily imply that the total educational experiences of children were bad too.

Thus far in this historical survey, we can conclude that it is likely that the problems of quality and quantity could have been solved by increases of wealth, and did not need the state to intervene to solve them. The problem was low income, not a low importance attached to schooling or education more generally. One major objection to this is that, irrespective of parents' income, their attitudes were often set against schooling, and that this was a major cause of educational inadequacy, needing compulsion by the state to rectify. It is to this that we turn next.

#### *Attitudes of parents towards schooling*

It is commonly held that not only did the state have to get involved in the funding of schooling from 1870, but that an essential part of its later intervention was also to make schooling compulsory. Only in this way could adequate educational opportunities be provided for all. Stephens notes that 'despite what has been said of the growth of working-class demand<sup>8</sup>, all the evidence suggests that *only some form of compulsion* combined with state assistance could bring what was generally considered as adequate schooling' to the poorest children (Stephens 1987 p. 52 emphasis added)<sup>9</sup>.

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<sup>8</sup> 'Since schooling generally was not free and did not begin to become compulsory until the 1870s, the rising school attendance figures over the two generations before that must reflect a growing demand from working-class parents for formal schooling, however minimal.' (Stephens 1987 pp. 48-9).

<sup>9</sup> He does equivocate slightly about this: surveying the evidence for Northern and Eastern England (p. 85), he notes that '[t]here is little evidence to suggest that *by 1870* adequate schooling for all children could have been made a possibility without compulsion and increased public assistance.' (p. 85 emphasis added). This qualification - that by 1870 things could not have been significantly improved

If compulsion is required, then this must be because of negative parental or child attitudes towards schooling. In fact, when Stephens' evidence is surveyed, it is not clear how he is able to arrive at this conclusion regarding the necessity of compulsion. Firstly, he is able to offer many positive findings for parental attitudes to schooling. He notes that not only were there economic benefits to schooling, but there were also political and social ones. He attempts to explain the parental demand in terms of: religious motives; 'aspirations to the respectability of local clergy and others' (p. 49); the attractions of 'reading for pleasure and the ability to communicate with relations living at a distance'; political advantages; economic advantages, both real and hoped-for, of literacy, and of schooling. Moreover, 'as schooling became the norm the completely unschooled became increasingly untypical, a situation which must have brought its own pressure to conform' (p. 50): 'From 1840 schooling appears increasingly desirable socially and also functionally advantageous in an increasing number of jobs.' (p. 51); 'Moreover, the vast expansion from the 1830s of didactic evangelical and utilitarian publications, of political and commercial literature, and of newspapers, radical and otherwise, attest to a working-class society in which the ability to read must have added to the economic advantages political and social ones.' (p. 51).

This trend in schooling norms would have a considerable bearing on the thesis that compulsion would be necessary to ensure an adequate education for all. If there were social and political, as well as economic, advantages in sending children to school, and if there were norms that made it more favourable to send children to school, then it is likely the rate of schooling would continue to increase. However, let us ignore this (substantial) part of Stephens' evidence, and concentrate on the negative attitudes of parents that he says would need state compulsion to overcome. It is not enough to say that the parental attitudes were negative: we need to question whether there were reasons for these attitudes. Reviewing his evidence, there seem to be *four* main reasons given. *Three* of these concern economic factors which may have influenced parental choice about sending children to school. The first would be the actual fees for schooling; the second would be the *opportunity costs* of sending children to school. That is, the benefits foregone of children's income and assistance around the house that could be had if children didn't go to school. This is likely to have been quite a considerable deterrent to many poor parents. Stephens notes: 'Certainly not all families were able to view the loss of children's earnings with equanimity.' (p. 52). Moreover, he notes the remarks of Revd J.P. Norris (HMI, 1850s) who suggests that school fees were far less important than this factor: parents 'cannot afford to give up the value of their child's time... the school fee is a mere trifle.' (quoted p. 128). These first two factors

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without compulsion - might be accepted without agreeing with his earlier remark, for things might have improved by a later date. However, elsewhere he does reinforce the notion that he has in mind that even later than 1870 compulsion would have been necessary (p. 268).

would be influenced by poverty: and Stephens points out that '[p]overty was, indeed, the main reason given' by working class parents for not sending children to school (p. 25).

Thirdly, another economic factor would relate to the economic benefits that were considered to be obtained from schooling. It may well be that many parents could see no economic benefit to be derived from schooling for their children, and so were not prepared to make the necessary sacrifices for no economic return. Stephens notes that for some parents, their relative prosperity didn't depend on schooling, and they didn't see why it would for their children either. It was important for some children to learn manual dexterity early on, and 'in the iron and coal districts there were many prosperous employers who had risen from the lowest occupations in the pit, the furnace or the forge, and even the nailers' shop without ever acquiring the rudiments of reading or writing.' (p. 123). A common saying, he notes, was: 'The father went down the pit and he made a fortune, his son went to school and lost it'. (p. 123). This attitude was reinforced by some employers: 'even employers active in promoting schooling admitted that their most skilful and best paid workmen were not necessarily those who were literate.' (p. 124). Moreover, when parents preferred to send their children to vocational schools, again this could have been for sound economic factors: 'The lace and plait schools, so disliked by contemporary educationalists and philanthropists, could be regarded less as evidence of parental exploitation than indicative of parental responsibility in securing for their children the practical education of the apprentice in crafts where skills had necessarily to be mastered at an early age.' (p. 175).

Each of these three reasons depend upon economic factors. Our interest is concerned with whether or not these factors would have continued to be of importance towards the end of the nineteenth and in the twentieth century. Clearly, if the wealth of the nation had continued to increase, the importance of the first two of these factors is likely to have rapidly diminished. The third factor is clearly influenced by the demands of employment, and Stephens observes that as industrialisation increased, the demands of employers for a schooled, skilled workforce likewise increased. A survey in the 1840s found that employers in Nottinghamshire, Derbyshire, Leicestershire and Birmingham unanimously agreed that education led to workers who were 'more trustworthy, more respectful ... more accessible to reason in disputes over wages or changes in routine, better conducted in their social duties, and more refined in their tastes and use of language.' (p. 136, quoting Parliamentary Papers of 1843). So again there seem to be very strong pressures from industry for educated workers, pressures that would have found their way down to parents and children, ('the company ... [let] it be known that preference in employment would be given to educated youths and workmen who schooled their children and offer[ed] financial assistance to large families.' (p. 137)) Similar views were expressed in other parts of the country and at later times. There were also technical advantages of a better educated workforce, in metal, pottery and textile trades, although not in the coal and iron industries (p. 137). Uneducated workforces lead to

'the loss of immense sums of money' (p. 137, citing Parliamentary Papers of 1850).

Indeed, we can put all of this evidence into the broader discussion of modernisation theory. Osterfield notes a commonly-observed phenomenon of modernisation: 'In a preindustrial society children support their parents; in an industrial society parents support their children.' (Osterfield 1992 p. 117). Children cease to be the 'economic assets they were in preindustrial society', instead becoming economic liabilities. In preindustrial societies, 'the cost of rearing children is minimal and by the time they are 5 or 6 years old they are working in the fields or doing other odd jobs and more than "paying their way"' (p. 113). More children means an increased supply of food, and the only support for parents in old age. However, in a modern industrialized society, skills for work often require years of formal training, and the incentives go the other way - wages are higher, it is possible to support families with only one or two wages, and necessary for children to be dependent for longer if they are to have the skills necessary to obtain highly-paid employment. So the flow of wealth goes from parents to children.

The fourth factor influencing parental attitudes towards education which Stephens notes is of a different type. He observes that the middle-classes tended to overlook the three economic factors, instead criticising the working classes for parental greed and laziness. Some parents, it was reported, did live off their children's wages (Stephens 1987 p. 126) - but these were a small minority of reported cases. There were also savage indictments of working class drunkenness, with parents spending money on drink rather than education of children<sup>10</sup>. Now clearly, in these cases, it would seem that compulsion would have been necessary in order to ensure that these children received an adequate education. But let us be clear that Stephens' evidence suggests they are likely to have been a very small minority of cases. Moreover, given the discussion above about the process of modernisation, it is plausible that these few families exhibit, even though they themselves were in early industrial society, the norms of peasant farmers. So it is possible that such attitudes would not last very long in the society as it became more industrialized.

What do these four factors and Stephens' evidence suggest about the need for compulsion after 1870? The first three factors were the most significant, and it is highly likely that they would have become less significant as the society grew in wealth and modernisation. The fourth reason may also have become less significant as modernisation progressed. However, even if there were some parents who would not themselves be interested in sending children to schools, these are likely to have remained in

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<sup>10</sup> Stephens notes: 'Such indictments have a ring of truth, though the disapproval is underlaid with fear, for Monmouthshire had been the seat of a Chartist rising in 1839. For more docile Cornwall, a mining area of a different kind, accusations of parental debauchery, barbarity and indolence were absent.' (p. 225). And the Cornish were seen as a race of people who were willing to send children to schools.

a small minority. At most, Stephens' evidence warrants the conclusion that very selective compulsion of a few parents would have been necessary as the wealth of the people grew, not wholesale universal compulsion as he suggests.

This brief survey of evidence surrounding the situation in England & Wales in the nineteenth century suggests that without the state, very great educational opportunities were provided. A very substantial piece of evidence in support of this, not all ready considered, is that Forster introduced his 1870 Bill *explicitly* as a measure to 'mop up' those children who were not being provided by existing voluntary measures. It was explicitly not designed to cater universally for all children. Moreover, under the Act, the country was divided into school districts, a survey of the educational needs of each district conducted, and non-state sources given six months to rectify the deficiencies (Reid ([1888], 1970) pp. 479, 506). Clearly Forster was aware that voluntary provision was a very valuable resource in educational provision, and simply needed to be supplemented where appropriate.

There is similar evidence from America (High and Ellig 1992). The evidence too from Scotland is also not as is suggested by many: for example, Kiesling castigates West: 'The Scottish educational system, with well-paid schoolmasters in parish schools funded by taxes on large landowners was quite different from the situation in England and Wales.' (Kiesling 1983 p. 425). However, as West points out, by the end of the 19th century, the Scottish system had been rendered insufficient by the population growth. In 1818 private unendowed schools were taking two-thirds of all pupils, the parish schools only a third<sup>11</sup>.

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<sup>11</sup> The actual figures were: 106,627 pupils in 2,222 private unendowed schools; 54,161 pupils in 942 parochial schools. (West 1970 p. 74, from the 1818 Digest). These figures exclude Sunday schools, Dame schools, and schools for the rich. Very little of any of this education was free, whether in the private or parochial schools.

## *Appendix 2 (Chapter 3)*

### *Beiner's argument against education for democracy*

Beiner's work on political judgement offers the suggestion that political judgement is something that all can exercise, irrespective of their levels of education, without undermining the seriousness with which participation (including voting) should be taken. He bemoans that:

'The monopoly of political intelligence is handed over to experts...who coordinate the rules of administration and decision-making that accord with the reigning canons of method, rational procedure, and expertise. This monopoly goes unquestioned because the exercise of political rationality is assumed to be beyond the competence of the ordinary individual...' (Beiner 1983 p. 1)

He insists that would-be citizens should not withdraw into their own private domains feeling that they aren't qualified to participate. Instead, they should realise that political judgement:

'...is a form of mental activity that is not bound to rules, is not subject to explicit specification of its mode of operation (unlike methodological rationality) and comes into play beyond the confines of rule-governed intelligence.' (p. 2)

Beiner's method of showing this is to forge a middle way between Kant's and Aristotle's notions of judgement. It is interesting for our purposes that what he takes from Aristotle is certain aspects of his concept of prudence. In particular, Beiner is concerned to show that a political judgement is 'the decision arising from a process of deliberation. Such a process of deliberation is governed by insight into the effect of one's contribution to the deliberation. In short, he who deliberates well must have insight into rhetoric.' (p. 83).

Now, rhetoric for Aristotle is 'the faculty of observing in any given case the available means of persuasion' (p. 86), and is not a science but a 'practical faculty'. Because most of the political judgements we have to make do not present us with only one 'necessary' decision, but with conflicting, but not illogical alternatives, this implies that political judgements can only be made after deliberation, and weighing up of probabilities. Thus far so good. However, what are the elements of which the ability to enter into rhetoric and to persuade and be persuaded consist? Beiner lists: 'character (of the speaker); emotion (of the audience); and rationality (of the arguments of the speech itself).' (p. 87). It is the last consideration that should clearly present problems for Beiner. If the ability to make a judgement rests on the ability to assess, inter alia, the rationality of the arguments put forward, then have we moved away from the position which he hopes to refute, that some people will be more qualified to make these judgements than others, and that, in terms of our argument, and education for democracy is needed?



Aristotle's solution to this problem is to suggest that, although individuals themselves may not be able to make judgements of very good quality, 'when they all come together it is possible that they may surpass - collectively and as a body, although not individually - the quality of the few best.' (quoted pp. 90-1). Moreover, Aristotle agrees that while there may be 'political experts' in the sense of those who are qualified to decide political questions, 'each individual may indeed be a worse judge than the experts; but all, when they meet together are either better than experts or at any rate no worse.' (quoted p. 91).

Actually, Aristotle is too optimistic here, as later mathematics has shown - for Aristotle's notion was explored by Condorcet as his famous 'jury problem'. Clearly Aristotle is correct that it is *possible* for the judgement of the collective to be better than that of the few best, but the likelihood of this happening depends on people, on average, being more often right than wrong; however if the people are more likely on average to be wrong than right, then the outcome of the collective vote is likely to compound their poor decision (for recent discussion of this complicated mathematical problem see Ladha and Miller 1993). So Aristotle's solution is not acceptable, for he assumes the competence of people on political matters, which is assuming what we are trying to prove.

Does Beiner accept Aristotle's solution as part of his synthesis of Aristotle and Kant? It seems he has to. At any rate, there do not seem to be alternative arguments offered. He moves forward with a 'comprehensive' theory of judgement, incorporating what is best from Kant and Aristotle. But it is interesting that what he takes from Kant seems to be the formal requirement of autonomy, that 'any rational agent has a right to autonomy' of judgement (Beiner 1983 p. 103). This formal side of judgement brings with it a requirement of distance and detachment from human events. The Aristotelian 'substantive' side brings with it the requirement of experience. Beiner's synthesis will then involve judgement as operating 'with sympathy and detachment'. This type of judgement cannot then be 'a matter of spontaneous, immediate intuition' (p. 105), but is 'essentially mediated - by reflection, by imagination, by spatial and temporal distance, by detachment, by practical and historical experience, by prudential knowledge, by the positing of alternative judgements' (p. 106). This seems quite an impressive list of qualities that the judging person must bring to the judgement. Are these qualities assumed to be found in every individual, regardless of educational achievement? We might agree that this faculty of judgement could be 'intrinsic to man as a political being' (p. 129), that is that we might not find it in non-humans, but still the question remains, does every actual human individual have this ability? For surely that is what we need in order to reclaim as individuals 'our capacity of judgement from those who presume to exercise it on our behalf' (p. 153)?

Matters get worse, as Beiner moves 'towards a theory of political judgement.' (chapter 7). Here he posits an hierarchy of judgements, from judgements about 'practices', to 'character judgements', and

finally to 'political judgements' themselves. The latter - the most complex of all - 'are characterized by implicit judgements about the form of collective life that it is appropriate for a community to pursue' (p. 139). The example he gives to illuminate his point amply serves to illustrate all the difficulties with his approach. He considers the political judgement of 'I support Zionism' versus 'I oppose Zionism'. He then spends over a full page outlining the issues that must be raised before such a judgement can be made. Some of these are factual questions, (eg 'When were the Jewish people constituted into a nation?'), others require interpretation and value judgement (eg 'What is the historical timespan over which a people retains its claim to an ancestral homeland?').

His point in enumerating these questions is to show that there must be 'commensurability' between judging subjects. However for our purposes the interesting question raised is: if someone is making the judgement about whether to support Zionism or not, can we take their judgement seriously if they have not considered all those complex issues raised? If so, then surely we would want some way of ascertaining that they have considered the relevant factors. Or to put the question in a more parochial setting: If someone is '...deciding whether the monetarist policies of Mrs. Thatcher's government are leading to the salvation or the ruin of British society' (p. 8), (by voting Labour, say), shouldn't they too have taken into account a whole range of considerations, (a page full?), and shouldn't we wish them to demonstrate that they had done this before we take their vote seriously? It does not seem as if Beiner's synthesis has obviated the need for this sort of question at all.

In his concluding remarks, Beiner virtually admits as much, when he writes 'we can judge only on the basis of a great deal of antecedent knowledge' (p. 163). If that is true, then Beiner's argument has not convinced us that an education for democracy is not required in order to make these judgements appropriately. Beiner's way out of the need for an education for participation in democracy fails.

### Appendix 3 (Chapter 4)

#### *Raz against the Exclusion of Ideals*

Raz's argument against Nozick's anti-perfectionism is that Nozick's 'side constraints' are 'agent-relative action reasons of absolute or near absolute weight' (Raz 1986 p. 146). Several terms need to be defined here: 'Action reasons' are reasons for action 'based on the value of a particular (class of) agent(s) performing a certain action (including the bringing about by those agents of a certain outcome).' (pp. 145-6) This is in contradistinction to 'outcome reasons', which are 'reasons for action based on the value of the outcome of those actions.' (p. 145) So parents have both of these types of reasons for looking after their children - the outcome reason would be satisfied by employing childminders, or other educationalists. The action reason is only satisfied if they are personally involved in the upbringing of their children. By 'agent-relative' reasons, Raz wishes to stipulate those reasons which 'are reasons for some people and not others' (p. 146), that is opposed to 'agent-neutral' reasons which are reasons for all. 'A person who made a promise has an agent-relative reason to keep it, even though it may derive from an agent-neutral reason to keep it.' (p. 146). Outcome and action reasons can be of either sort.

Now Raz argues the Kantian imperative involves action reasons. It is not that we should simply ensure that people have the benefits of being treated as ends, but that we *personally* should treat people as ends. (p. 146). Raz suggests that there is an agent-neutral interpretation of Kant's imperative open to us, but rejected by Nozick. Raz argues that '[e]ach person may be thought to have reason to help, or even make, others treat people as ends.' (p. 146). So he suggests that the Kantian imperative will not adjudicate in certain cases, such as the decision whether to coerce a person not to coerce another. Here the choice is between treating the person as an end oneself (and not coercing them), or of treating them as a means, where so doing will ensure that they treat the other as an end. As Raz points out, Nozick rejects this interpretation: 'Had Kant held this view, he would have given the second formula of the categorical imperative as, 'So act as to minimize the use of humanity simply as a means,' rather than the one he actually used: 'Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end.''' (Nozick 1974 p. 32).

Nozick regards the Kantian imperative as imposing side constraints on people, which express their inviolability. He counters the notion that some people could be expected to bear some costs that benefit others more, for the sake of the overall social good, by arguing 'there is no *social entity* with a good that undergoes some sacrifice for its own good. There are only individual people, different individual people, with their own individual lives. ... To use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has. *He* does not get some overbalancing good from his sacrifice, and no one is entitled to force this upon him' (pp. 32-3).

Now Raz notes several exceptions that Nozick is apparently willing to make to this principle, such as imposing sacrifices on people in the case of self-defence, and compensation (Raz 1986 p. 147). Moreover, 'on occasion Nozick seems to suggest that imposing a sacrifice on a person does not offend against ... the Kantian principle so long as he is compensated by receiving a counterbalancing good.' (p. 147) Hence Raz's conclusion that there are gaps in Nozick's theory.

#### *Appendix 4 (Chapter 5)*

##### *Justifications for Democracy and the need for democratic control*

This appendix examines three justifications for democracy, and shows how it is unlikely that they would be powerful catalysts for democratic control of education in current democracies, i.e. that if these justifications are held, improvements to democracy, and in particular, improvements to voting systems will be sought.

##### *Democratic control of education: the argument from the educative function of democracy*

Given the outline in chapter 5 of how our 'democratic' process actually currently works, I think it again uncontroversial that the argument for democratic control of education based upon the justification of the importance of the educative function of democracy would not hold much force in our current democracy. As Nathan (1971) points out, the force of this justification for democracy depends upon how many 'constraining groups'<sup>12</sup> there are, upon the composition of these, upon how many important issues these constraining groups vote (particularly as a proportion of the total number of issues decided by the executive), and finally on the extent to which the constraining group's decision controls the executive (Nathan 1971 pp. 111-2). So in a democracy with only one constraining group consisting entirely of symbolic representatives of the people, 'which voted only on a few relatively unimportant issues, and were constituted so that a simple majority in the constraining group licensed the executive to act on these issues' (p. 112), the importance of the educative function would not be so great. In this case, and he clearly has in mind something similar to the British system, he notes that even for the members of the constraining group itself, (the MPs), 'expression of political preferences known would be no weighty exercise of moral responsibility, and there would be no great incentive to self-education by means of a scrupulous investigation of what could be said for and against each alternative. And the people at large, with even less power, would have even less responsibility and incentive.' (p. 112). Indeed, he suggests that the argument could be turned back on itself, to show that there is 'something morally and intellectually corrupting about a regular invitation to register one's preferences between alternatives whose merits and demerits one has neither time nor competence to investigate, and which, in a party system, are as likely as not obscurely stated, nonexclusive and nonexhaustive' (p. 112).

Put into the framework of the way decisions were made about, for example, the curriculum, we can see that individuals being invited to cast their vote without the potential for making an informed decision about the curriculum itself (as opposed to making a decision about a party package being offered to them), and given only meagre information about the curriculum proposals, could not be justified for its educative effect on the voter. Indeed it could have the opposite, demeaning effect on the individual,

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<sup>12</sup> Nathan defines a vote-constrained system of government as one in which 'voting among one or more groups of persons conventionally limits the executive's freedom of action.' (Nathan 1971 p. 90). A *constraining group* is then any group which limits an executive's freedom of action.

that they would recognize that their informed opinion about the matter was not really being sought.

So this argument couldn't be a particularly useful justification for democratic control in our current democracy. Again, however, we could say that it is likely to be an argument which would carry greater force in an improved democracy. What sort of improvements would we be seeking to realise this justification of democracy? Clearly, there would be a need for increased participation in decision-making. For example, voting would be conducted on a variety of discrete issues, not simply party platforms; moreover, it would also be the case that the executive, if it existed, would have to be more accountable, and perhaps directly controlled, by the outcomes of these voting procedures. Moreover, voters would need to be reassured that, when votes were aggregated, the outcome could be described as reflecting what the voters actually wanted, rather than some arbitrary outcome - for otherwise there would be much less incentive to participate in an informed manner, and the 'feedback' from participation would be distorted by these anomalous results. Again, it is the case that other forms of participation besides voting would also be involved here, but that improvements to voting procedures remain a crucial necessary improvement.

*Democratic control of education: the argument from the promotion of interests*

How strong is the individuals' interests argument in terms of the need for democratic control of education? I suggest that it is unlikely to be used as a justification for democratic control of education under current circumstances. Firstly, given the realities that the Government is currently involved in educational provision, finance and regulation, then this interests argument could be used as an *expedient* to allow individuals some input into the decision-making process. But given the inadequacies of the ways in which that input can achieve expression, this is not likely to be a particularly useful buffer against the decisions made by the Executive. Moreover, and most importantly, if it is true that the individual best knows of his or her interests in terms of education, then it is likely that what they would be seeking is *not* increased centralized control of education, but moves towards, at least, internal markets in education. For then they would be able to influence educational provision more directly. So an 'interests' argument for democratic control of education would presuppose governmental involvement in education, which is itself what we are questioning here. Secondly, even moving towards possible improved democracies, of whatever sort mentioned so far, the interests argument would not carry any weight as far as democratic control of education was concerned. For still it would be observed that it would only be a second best option that educational matters would be decided upon democratically. The best option would be for individuals to be able to make their own education-related decisions, which would mean taking education out of the political decision-making sphere.

What of the second argument concerning interests, that democracy best promotes the *general interest*? In terms of democratic control of education, the argument would be that democratic control will (better)

ensure that the general interest will be realised, because voters will vote for what they perceive to be in the general interest; this compares with in markets, for example, where individuals will pursue their own selfish interests, not taking into account the general interest. Those in favour of (a) would then need to show how the general interest on education could get represented through the voting system. Given its imperfections, I think again it would be fairly uncontroversial that it would not be expected that this general interest could be expressed through our current democratic system. So again, it would be in a system with improvements in voting in particular, that the general interest could be pursued. For it would be no good if the voting procedures were such that voters were not permitted to consider discrete issues, but had to vote on party packages (for there might be no party package which represented what they felt to be in the general interest); and it would be no good if, when votes were aggregated, the outcome was such that it didn't reflect what the voters actually wanted. So the improvements to democracy needed for this would be very similar to those improvements noted above under the improvements needed for an educative democracy.

*Democratic control of education: the argument from the promotion of liberty*

The positive view of liberty requires that certain material conditions are necessary for a person to have freedom to follow his or her chosen projects. But, 'generally speaking, the provision of these means of life is a relatively complicated business in our society, calling on the effort and co-operation of large numbers of people.' (Graham, K. 1987 p. 49). So for freedom, in this view, a person needs the organisation of society to be such as to provide him or her with the material basis of freedom. Put in terms of education, a person will need society to provide *everyone* with, at least, a curriculum for autonomy, to enable all to choose projects and follow them through to fruition (see Raz 1986, White 1990). Now: can this view of liberty as a justification for democracy be used as a justification for democratic control of education, and in particular, of the curriculum? The problem with this is that democratic control of the curriculum could lead to *any curriculum whatsoever*. We cannot say, *a priori*, that it would lead to a curriculum for the promotion of autonomy, for example, similar to the one proposed by O'Hear and White in chapter 4. This is for two reasons: Firstly, the difficulty is that, as O'Hear and White would argue that the majority of people have not gone through their education for autonomy, how is it that the uneducated (in this sense) could be able to decide upon what is needed for a genuine education? Secondly, it is precisely one of the fears of the Left about markets in educational provision that people (presumably the uneducated in this sense) would choose a curriculum which was not geared towards rational autonomy. So they would need to offer us some assurance that these same people would choose differently when voting than they would when choosing in the market. This could be satisfied if there were improvements to democracy as mentioned above, together with improvements to voters' intellectual and dispositional qualities. So my suggestions are that, firstly, this argument is unlikely to be used by to argue for democratic control of the curriculum (which is perhaps why White uses the political equality argument instead), since democratic control, particularly of the curriculum,

would be no safeguard that the curriculum would be of the type that promoted autonomy. If this is so important, then it would be far safer to take this decision out of the democratic sphere, and enshrine it, for example, in a 'constitution of liberty'.



## Appendix 5 (Chapter 5)

### *Genuine Political Examples of the 'Paradox of Voting'*

#### *Perestroikan Paradoxes - the beginning of the end of Gorbachev*

The election of Boris Yeltsin to the presidency of the Russian Federation in 1990 had important repercussions for Russia, and plausibly led to the breakup of the Soviet Union, the deposing of Gorbachev, the civil war in Yugoslavia, etc. I argue that the election result could have happened *because of the vagaries of the voting system used*, and not because it was necessarily what the electors wanted.

There were three main candidates for the presidency, the radical Yeltsin, the centrist, Alexandr Vlasov, and the conservative Ivan Polozkov. The voting system allowed voters to choose between Yeltsin and Vlasov, and between Yeltsin and Polozkov, but not between Vlasov and Polozkov. So we don't know for sure what their preferences would have been. But we can make educated guesses, as below.

The voting took place over three rounds, and the results were as follows:

#### Voting in Round 1

Candidate	Votes Cast
Yeltsin	497
Polozkov	473
Morokin	30

#### Voting in Round 2

Candidate	Votes Cast
Yeltsin	503
Polozkov	458

#### Voting in Round 3

Candidate	Votes Cast
Yeltsin	535
Vlasov	467
Tsoi	11

Looking at these figures, the uninitiated might think that they show Yeltsin as the clear winner; he did after all score more than anyone else in each round. However, things are not that straightforward. What I want to do is try to find out what plausible preferences of the voters were between all three of the

main candidates.

Yeltsin obtained 38 more votes in the third round vote against Vlasov than he did against Polozkov in the first round. This suggests that 38 voters preferred Polozkov to Yeltsin, but Yeltsin to Vlasov. That is, these 38 prefer the conservative *status quo*, but the radical solution is better than the current haphazard pace of reform.

Of the remaining, it seems very likely that all 497 who voted for Yeltsin in the first round aligned themselves on the standard 'radical-centre-conservative' political spectrum. That is, that they preferred Yeltsin to Vlasov and Vlasov to Polozkov. Then the remainder of the Round One voters, 465 of them, were happy with the current rate of reform, but if faced with more drastic change would opt for a return to conservative past values, rather than the market vision of the radicals. That is, these preferred Vlasov to Polozkov, but Polozkov to Yeltsin.

Given these plausible assumptions, we then can hypothesise the order of preference of the voters:

<u>Order of Preference</u>	<u>Number of Voters</u>
first-second-third	
Yeltsin-Vlasov-Polozkov	497
Polozkov-Yeltsin-Vlasov	38
Vlasov-Polozkov-Yeltsin	465

These numbers then quite plausibly explain the actual votes cast in all three rounds<sup>13</sup>. In the first round, all 497 of those who preferred Yeltsin to Polozkov voted, sensibly enough, for Yeltsin. Those who preferred Vlasov were in a quandary. 435 of them voted tactically for Polozkov, as a vote against Yeltsin, perhaps hoping to produce an inconclusive result that would lead to a second round vote, this time when they could directly vote for Vlasov. Together with the 38 who preferred Polozkov to Yeltsin, this gave Polozkov's total of 473. However, the remaining 30 who preferred Vlasov sincerely followed their 'centrist' convictions, and voted for the outsider, but centrist, Morokin.

In the second round, Yeltsin picked up 6 more of the votes outside of the 1000 that we have tabs on,

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<sup>13</sup> The situation is slightly more complicated because there were different numbers of non-abstaining voters in each round: 1000 in the first, 951 in the second, and 1013 in the third. I assume in what follows that I can keep tabs on the 1000 who voted in the first round in each successive round: this simplifies the discussion.

while more of the Vlasov supporters abstained - clearly afraid that, if they voted tactically, Polozkov might get a clear victory, rather than provoke a third round.

In the third round, all those 465 who preferred Vlasov to Yeltsin voted, again sensibly, for Vlasov. (He also picked up 2 of the 'outside' votes). The 38 Polozkov supporters, who definitely preferred Yeltsin to Vlasov, joined with the 497 Yeltsin supporters to give him his required majority of 535.

So what is wrong with all this? Yeltsin did win the required majority. He stood against his main rivals Vlasov and Polozkov, and beat them both. Yes, but what about the voters' preferences between all three main candidates? Did the outcome reflect that?

Consider the preferences noted for the 1000 delegates above, and assume that the others won't alter the figures significantly. Let us take the candidates in pairs and work out their popularity in pairwise elections. Consider first Yeltsin versus Vlasov. How many voters rank Yeltsin higher than Vlasov, and vice versa? Yeltsin has the 497 of his own supporters, and also the 38 whose first choice was Polozkov, making a total of 535. Vlasov has only his 465 supporters. So we have (not surprisingly) more or less the result of the third round. Yeltsin is preferred to Vlasov by 535 votes to 465.

Next consider Vlasov versus Polozkov. The 497 whose first choice was Yeltsin prefer Vlasov to Polozkov, as do the 465 (of course) whose first choice was Vlasov, ie 962 votes. Polozkov only has the remaining 38 in this play-off, so Vlasov is clearly preferred to Polozkov.

Now, Yeltsin is preferred to Vlasov, and Vlasov is preferred to Polozkov. So the assumption - to the uninitiated - is that Yeltsin is preferred to Polozkov. Not so! Yeltsin has all 497 of his first-choice supporters, while Polozkov only has 38 of his. But all 465 of Vlasov's first-choice supporters prefer Polozkov to Yeltsin. So Polozkov is preferred to Yeltsin by 503 to 497. Note that this is not contradicted by the actual result obtained in the second and third rounds. At the risk of repeating myself, voters were there forced to make an artificial choice between two of the main candidates and were not allowed to express their genuine preferences.

This has given us a paradox: Yeltsin is preferred to Vlasov, who is preferred to Polozkov, who is in turn preferred to Yeltsin. That is, there is no winner. Choose any candidate, and he is beaten by another. Yeltsin could be chosen, but equally so could Vlasov or Polozkov.

Note that I stress I am not saying this is what happened, merely that it is very plausible. Any of my assumptions could be challenged. However, there are other plausible scenarios that can give the same result, and one, slightly less plausible, that would give Polozkov - the die-hard conservative - as the

winner.

Elections have profound consequences. This one, I suggest, did not give an outcome which reflected what the representatives really wanted.

What of the point mentioned earlier about the presence of cycles leading to the incentive for misrepresentation of preferences? Here clearly in the second round, had the Vlasov supporters been organised and sophisticated enough, they could have ensured that a sufficient number, but not too many, voted for Polozkov, to eliminate Yeltsin, knowing that in the third round, Vlasov could easily beat Polozkov.

*Eastbourne Ending - the beginning of the end of Thatcher*

The Eastbourne by-election of October 1990 in the UK, which plausibly led to the downfall of another powerful leader, Margaret Thatcher, again shows, using feasible assumptions about real voters' preferences, how cycles of preferences could occur in practice:

Suppose voters' preferences when they actually went to vote were as follows:

1st	2nd	3rd	% of voters
Lib	Con	Lab	40
Lib	Lab	Con	1
Lab	Lib	Con	10 *
Lab	Con	Lib	5
Con	Lab	Lib	39
Con	Lib	Lab	2

(Lib: Liberal Democrats, Lab: Labour, Con: Conservative).

This profile of preferences is consistent with the outcome, with the Labour supporters who preferred the Liberal Democrats second (\*) tactically voting to give the Liberal Democrats the seat with 51% of the vote. It is also consistent with opinion polls published before the election.

In British elections, voters are not allowed to reveal their order of preferences, but vote only once. Even though there was a clear winner, it is worth seeing what would have happened (given this feasible profile) had voters' preferences been taken into account. This can be done by looking at the candidates in 'pairwise' comparisons:

The Liberal Democrats beat the Conservatives by 51% against 46%. Likewise pitting the Conservatives against Labour gives the Conservatives winning by 81% against 16%. The Liberal Democrats are preferred to the Conservatives, and the Conservatives to Labour, so our feeling is that the Liberal Democrats will be preferred to Labour. Not so! Given the figures above, Labour is preferred to the Liberal Democrats, by 54% to 43%! So we have a cycle of preferences again. The Liberals were chosen, but it could equally have been any of the other candidates.

*Appendix 6: (Chapter 5)**Example illustrating the need for the 'Independence of Irrelevant Alternatives'**Condition of Arrow's Theorem:**'Night Out'*

Seven democratic friends arrange a night out. They discover they have four alternatives open to them, and each is aware of his or her own preferences between these options as follows:

Keith, Dave, John:	theatre, cinema, concert, pub
Susan, Ann:	cinema, concert, pub, theatre
Bob, Ruth:	concert, pub, theatre, cinema

They decide to use a voting method which is a favourite for committees reaching a decision, namely the Borda count method, or point scoring. For first choice, they award 3 points, second place, 2 points, and so on, down to 0 points for last place. They tot up their scores as follows:

theatre:	$9 + 0 + 2 = 11$
cinema:	$6 + 6 + 0 = 12$
concert:	$3 + 4 + 6 = 13$
pub:	$0 + 2 + 4 = 6$

So the concert is decided upon. Then Keith remembers that he saw their favourite pub was closed for refurbishment. As it was their least favoured option, they decide that it won't make any difference to the outcome. They go to the concert. But let's be more careful than them, and see what would have happened. Their revised preferences, now that the pub is not available, are as follows:

Keith, Dave, John:	theatre cinema concert
Susan, Ann:	cinema concert theatre
Bob, Ruth:	concert theatre cinema

The Borda count method now awards points as follows: (for three options, 2 points to first place, 1 to second, and 0 to last)

theatre:	$6 + 0 + 2 = 8$
cinema:	$3 + 4 + 0 = 7$
concert:	$0 + 2 + 4 = 6$

We now have a complete reversal of results! The concert is in fact the least favourite now, although

there was no change in the preferences of the voters!

Put this example into a less contrived setting, and we have something quite remarkable happening. Suppose, for example, that a committee of seven people has interviewed four candidates for a position, and moves to the vote. If their preferences are:

V1-3   a b c d

V4-5   b c d a

V6-7   c d a b

Then, a Borda count, assigning 3 points to the first place choice, 2 to the second, 1 to the third, and 0 to the last, gives c as the winner with 13 points, followed by b (12), a (11) and d with only 6.

If *for whatever reason* d withdraws, the voters' preferences are now:

V1-3   a b c

V4-5   b c a

V6-7   c a b

The Borda count produces a as winner, with 8 points, followed by b, and c, the previous winner, in last place!

### *Appendix 7: (Chapter 5)*

#### *The Arrovian dictator: has the emperor no clothes?*

In this appendix, I challenge the non-dictatorship condition. This challenge is not, trivially, that we might argue that 'there is nothing particularly irrational about selecting one individual and allowing him to make all decisions for the community' (Mueller 1989 p. 388). Such a way to avoid the impact of the theorem is not relevant to our discussion about the Left's concern with democracy. The criticism will elaborate on that raised by Little (1952), and subsequently apparently dismissed by writers on social choice theory.

#### *Little's objections to the non-dictatorship condition*

For our purposes, two passages stand out in Little (1952). Firstly: 'As put by Arrow, condition 4 ('non-dictatorship') appears eminently acceptable. In his formulation, Tom is a dictator if, for all  $x$  and  $y$  and 'regardless' of the orderings of others, 'Tom prefers  $x$  to  $y$ ' implies ' $x$  is higher in the master-order.' What Arrow evidently has in mind is that if no change in the orders of others can upset the coincidence of Tom's and the master order, then it would seem reasonable to call Tom a dictator. Here I should agree. But, when we discover that this condition, if combined with the others, produces the consequence that no more be known to dub a man 'dictator' than that his ordering of any pair of alternatives has prevailed against the reverse ordering on the part of everyone else, we may well begin to feel uncomfortable.' (Little 1952 pp. 425-6).

Secondly: 'Thus it may be said that, although one values  $x$  above  $y$ , one might prefer to accept a procedure which would yield  $y$ , if the only way to get  $x$  were to impose one's will on society. This is true; but it is not a sufficient reason for accepting Arrow's condition of 'non-dictatorship' which barring the name, contains nothing about power or force. .... causal and power relations are not logical relations. Thus since 'dictatorship' in the ordinary sense, involves ideas of causation, it cannot be adequately described in terms of implication.' (p. 431).

Little does attempt to illustrate what he means in the first quoted passage. The example he gives is rather weak: Tom Dick and Harry have the following preferences:

Tom:  $xy$

Dick:  $yx$

Harry:  $yx$ .

Now, suppose  $x$  and  $y$  turn out to be certain social states defined as:

$y$ : Tom has 1 piece of manna and Dick and Harry have 99 pieces of manna each;

$x$ : Tom has 3 pieces of manna and Dick and Harry have 98 pieces of manna each;



Given these states, it might be very reasonable for society, says Little, to choose  $xy$ , even though this would make Tom a dictator, (says Little). But the question this begs (but not for Little) is how the *social choice process* would come to choose  $xy$  over  $yx$ . For example, the obvious way it might have done this was if Tom, Dick and Harry were only three of many voters, and a majority of the others preferred  $x$  over  $y$ . In which case, the example clearly doesn't have anything to do with 'dictatorship', as Tom is in agreement with other members of society.

Alternatively, as later remarks suggest, perhaps Little wants us to believe that there are only these three individuals in the society. But then two possibilities occur: if majority voting is used, then society wouldn't have chosen  $x$  over  $y$ , if the preferences given above are genuinely held. This is not to rule out that Dick and Harry might, being altruistic, prefer Tom to have more at their slight expense: but then their preferences would, on their reflection, be changed to  $xy$ . Thus their preferences would be the same as Tom's and the unanimity condition would simply be invoked to bring about  $x$  as the social choice over  $y$ . No problems of dictators in this case. Secondly, if some other voting system was used, and the outcome was  $x$  over  $y$ , why does this make Tom a 'dictator' 'because it happens to be the case that society agrees with him'? (Little 1952 p. 426). This is the crucial point to which we return in a moment.

Now Little apologises for the example as being 'absurdly limited', and then goes on to draw the conclusion that 'it is foolish to accept or reject a set of ethical axioms one at a time' (p. 426). It is this pithy maxim that has received attention, (eg by Barry and Hardin 1982 p. 266, Pollak 1979 p. 86), rather than the example itself, or, more significantly, the comments the example was supposed to illuminate. This is disappointing. Moreover, Little's article has been frequently cited<sup>14</sup>. Without exception the writers either focus on Little's use of the non-dictatorship condition to suggest that Arrow's social welfare function is only sensibly interpreted as a decision making process (Little 1952 p. 427), or mention in passing that he had attempted the absurd questioning of the non-dictatorship condition, presumably without success. For example, Sen examines Little's assertion that 'Arrow's work has no relevance to the traditional theory of welfare economics' (Sen 1977 p. 1562). Nath similarly looks at the contention of Little's that 'Arrow confuses a social decision making process with a value judgement or a social welfare function' (Nath 1964 p. 563). Neither of these consider the passages quoted above. Riker (1961) initially seems more promising: he mentions that Little has been 'arguing the unreasonableness of the non-dictatorship condition', but then confines himself to discussing Little's remarks about vote-counting machines always being dictatorial, siding with Vickrey that this

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<sup>14</sup> I found 27 citations in the Social Science Citation Index from 1956 to 1990.

'is a rather far-fetched inference' (Riker 1961 p. 905)<sup>15</sup>.

In this way, the derivative literature is following both Arrow and Little: Arrow addresses Little's 1952 criticisms, (Arrow 1963 pp. 103ff), but explicitly states that 'the area of fundamental disagreement thus narrows down to this one assumption [the independence of Irrelevant alternatives], and ... Nondictatorship, hardly raises any fundamental questions' (p. 105); Meanwhile, Little, in the very next paragraph to the second of his quoted above, concludes that: 'one may say that expediency might, in most situations, counsel one to accept condition 4 [non-dictatorship] as applied to procedure. It may also be widely accepted on moral grounds. Indeed conditions 3 and 4 [nonimposition and non-dictatorship] might be said to contain the bare essentials of democratic procedures' (Little 1952 p. 431).

So, is it right to accept the non-dictatorship condition? I will argue here that it is not, that the two passages of Little's quoted above contain in embryo a powerful critique of the non-dictatorship condition which needs to be taken more seriously. That is, they need to be taken more seriously if Arrow's theorem is to be used for looking at voting systems, as Riker wants to do. In order to see the full force of these criticisms, it might be useful to see how the nondictatorship condition is used in the formal proof of Arrow's theorem.

#### *Non-dictatorship and the proof of Arrow's theorem*

For convenience, we will follow the elegant and succinct proof of the theorem given by Vickrey (1960), outlining the places where the non-dictatorship condition is invoked. (In the relevant steps, each proof agrees, so nothing is lost by focusing on this particular proof).

Vickrey's proof is in two parts. Part 1 shows that if a set  $D$  is 'decisive' for one pair of options  $x$  and  $y$ , then it is decisive for all decisions covered by the universal domain condition, where decisiveness is defined as follows:

'a set of individuals  $D$  is decisive for alternative  $x$  against alternative  $y$  in the context of a given social welfare function, if the function is such that whenever all individuals in  $D$  express a preference for  $x$  over  $y$  and all other individuals express the contrary preference, then the social welfare function yields a social preference for  $x$  over  $y$ ' (Vickrey 1960 p. 345).

One of the most cunning moves of the proof is to show that there is such a 'decisive' set, namely the set  $S$ , the whole of society, by default as it were. We can see, upon substituting  $S$  instead of  $D$  in the

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<sup>15</sup> Interestingly, in his very comprehensive *Liberalism against Populism* (1982), although he explores criticisms of other of Arrow's conditions, he does not even mention this criticism by Little, nor is this article listed in his extensive bibliography.

first stage of Vickrey's proof that this special decisive set does indeed satisfy each step of the proof, although each step is of course by default, which intuitively feels a bit of a cheat, but is logically impeccable.

The second stage then takes a decisive set  $D$ , confident in the knowledge that there is one such set, and by an iterative application of the paradox of voting, arrives at a decisive set of only one individual, called the dictator. How does it do this? Using the Unrestricted Domain condition, the set  $D$  can be split into two non-empty subsets with the members of each subset having the following profile of preferences:

A:  $xyu$

B:  $yux$

In the case of this decisive set being  $S$ , the whole of society, (the only decisive set that we know exists at the moment), then we know that A and B exhaust the whole population. However, later on this will not be the case, so we also add that anyone not in A or B is in a set C, with the following profile of preferences:

C:  $uxy$

Since the individuals in A and B all 'prefer'  $y$  to  $u$ , and together form a decisive set, then the social ranking must put  $y$  above  $u$ . Now comes the crucial part of the proof for the argument of the paper here. I quote Vickrey to be perfectly clear about the implications:

'If in addition the social welfare function is made to put  $x$  below  $y$ , in this case, .... B would be decisive for  $y$  against  $x$ . On the other hand, if the social welfare function does not put  $x$  below  $y$ , it must by transitivity place  $x$  above  $u$ , making A decisive for  $x$  against  $u$ .' (p. 346).

Note the qualifications: 'if' the function does such and such, then B forms the decisive set. 'On the other hand, if' it does the opposite, then A makes up the decisive lot. In other words, the members of the decisive set become 'decisive' as a result of the vagaries of the social welfare function, by chance as it were.

The proof continues in this vein. In either case, it is true, we have a smaller decisive set than  $S$ , and hence we can reiterate the whole process, this time using subsets A and B of this new set, and hence a non-empty set C. Eventually, with decreasing probability that we can find such a set, we arrive at a decisive set which contains only one member, ie we have a 'dictator'. Again we need to stress how

this 'dictator' is arrived at. The preferences of this member happened to coincide with the profile of preferences chosen by the social welfare function.

Now, does any of this have implications when we attempt to translate Arrow's formal system into discussion of voting situations? What it seems to show is that it is at least perfectly compatible with Arrow's theorem that the term 'dictator' is somewhat misleading. As Little had pointed out, there seems to be no question that this individual has imposed his or her will, or exerted any force or power. Indeed, even Little's characterisation that this person's will 'has prevailed' (Little 1952 p. 426) seems too strong, because to prevail can have the sense of 'gaining mastery over others' (Oxford English Dictionary). A more appropriate expression would seem to be to say that this person's profile of preferences has *coincided* with those chosen by society. To make this perfectly clear, consider again the example of pairwise majority voting in the context of the paradox of voting given earlier. There we have a cycle of preferences, with S winning over C winning over L winning over S.

Now if a choice has to be made, then built into the mechanism for aggregation there would be some device for producing an outcome in these circumstances. (Note that I am not suggesting here a particular device for doing this: merely suggesting that one can be found, and moreover a device that does not make the social welfare function violate either of the other four conditions. Arrow's theorem proves only that a social welfare function cannot simultaneously satisfy all five conditions. In this example, I am sacrificing the nondictatorship condition, hence assuming that there is a social welfare function that satisfies the other four conditions). Suppose the device chooses the preference profile CLS. Then V1 becomes the 'dictator'. One moment V1 was an ordinary voter. The next, he (say) is elevated to the status of dictator. But does this make any difference to his behaviour? Is there any sense in which he has exerted power, used force, or any of the other things that we normally understand by being a dictator? Not a bit of it. All he has done is held certain preferences, sincerely and honestly, and by processes beyond his control, discovered that his preferences were the ones 'drawn out of the hat' (as it were) as the social choice. He might feel very pleased about this outcome, but it is unlikely that he would feel dictatorial.

To further illuminate the point, suppose that V2, understandably disappointed by this result, goes against the decision, and stages a coup, and asserts that her (say) preferences must be followed. Now, I contend that normally we would feel happy (if that's the right expression) in calling *her* a dictator. But if we use Arrow's Theorem in the way suggested by Riker, and others, then we seem to be committed to saying that there is no moral difference between the behaviour of V2 and V1! Both deserve the name of 'dictator' in Arrow's eyes. This is surely not right. V1's preferences were chosen by the social choice procedure; V2's were imposed by force.

It is interesting to ask why Arrow chose to call this individual a 'dictator' when this does not seem to fit in with what we normally understand by the term. Of course he was perfectly entitled to choose any term, because the formalism of his proof had to be interpreted into English terms. However, given, as already has been noted, the normative purpose which Arrow wished his conditions to serve, the question is whether the term he chose is the most suitable because it carries with it certain connotations which we have shown are not part of the way the condition is used. The question is whether calling the person a 'dictator' is misleading.

Arrow himself wrote that 'it cannot be claimed that Definition 6 [dictatorship] is a true model of actual dictatorship' (Arrow 1963 p. 30), but his reasons were that people might have a liking for a dictator in a Frommian 'fear of freedom' sort of way. Perhaps Arrow had a different understanding of the term 'dictator', and this is why he felt it appropriate to interpret the formalism of his theorem in this way? On inspection, however, this doesn't seem to be the case. He contrasts dictatorship with democracy and the market (pp. 1-2); dictators are dangerous, he notes, approvingly quoting Lord Acton's dictum that 'power always corrupts; and absolute power corrupts absolutely' (p. 86). All this seems to fit in with a standard conception of the dictator as an 'absolute ruler... one who suppresses or succeeds a democratic government... person with absolute authority in any sphere' (Oxford English Dictionary). So the question still persists: why did Arrow call his 'accidentally decisive' individual by that term?

One reason could perhaps be found in the way Arrow originally thought of his social welfare functions. These were defined originally as having as their domain 'social states'. These are defined, as noted above, as 'a complete description of the amount of each type of commodity in the hands of each individual, the amount of labor to be supplied by each individual, the amount of each productive resource invested in each type of productive activity, and the amounts of various types of collective activity such as municipal services, diplomacy and its continuation by other means, and the erection of statues to famous men.' (p. 17).

Now, there may be some excuse (although still not a very strong one) for describing an individual as a dictator, whose own preferences profile of these all-encompassing social states coincides with that chosen by society, because this dictator by definition is decisive over everything in social life. Moreover, it is accepted that in Arrow's abstract formulation, this individual is decisive for everything for all time: 'The society prefer one possibility to another whenever that individual does' (p. 52); 'It is impossible that the preferences of society be *always in agreement* with those of a single individual' (emphasis added p. 56).

While still there is no suggestion that power or force has been exerted, there may well be a slight sense in which this makes one uncomfortable. (But note that even here, there could still be an alternative real dictator, a person who sees that his or her preferences are not to be realised, and hence seizes power

away from the democratically chosen options. As noted above, Arrow seems committed to saying that both sorts of 'dictator' are equally as unacceptable). However, when one leaves this high level of generality and comes down to earth with an example of a plausible social welfare function, namely voting, then this weak excuse disappears altogether. With voting the 'social states' that people are required to order become candidates in an election, or proposals in a referendum or committee vote. It does not seem nearly so bad that our putative dictator has a preference profile which merely coincides with the options chosen in a particular local or national election, or a vote on a committee. Moreover, unlike in the social states case, voters will have many other chances to order these and other options, for example in national elections, every four or five years, local elections more frequently, and in elections in committees and parliaments more frequently still. Hence there are many opportunities to vote, and crucially, there are then many opportunities for all to share in being an Arrowian 'dictator'. Even allowing that cycles occur as frequently as Riker suggests, then say with 5 candidates and a large number of voters, a cycle, and hence a 'dictator', might be revealed in a quarter of the elections (Riker 1982 p. 122). However, there is no suggestion that the same person would be 'dictator' more than once, except by chance.

Perhaps there is one last way in which we can save the term 'dictator' to describe the 'accidentally decisive' individual, and that is if the individual were to know beforehand that he or she would be the dictator. Perhaps then there could be some semblance of the illegitimate force of a real dictator restored? An individual, for example, might be able to do a straw poll of everyone else's preferences, compute the outcome using the known aggregation process, and either establish that he or she would become the 'dictator' or adapt his or her preferences accordingly. Putting it in this way shows that this is not a way out. In the former case, the person has genuine preferences and comes to realise before the vote takes place that his or her preferences will be realised through the vote. This knowledge in fact would produce the antithesis of dictatorship: he or she could simply sit back and enjoy the spectacle of the voting system unravelling his or her own preferences: there would be absolutely no need to exert force at all! In the second case, the definition of preferences rules out the deliberate adjusting of one's preferences to ensure they were in line with the voting outcome. By definition, these would no longer be one's preferences at all. Finally, if the voting system being used satisfied the other four of Arrow's conditions, (as is possible, by Arrow's theorem itself), then, because it satisfies the Independence from Irrelevant alternatives condition, the system would not be open to strategic manipulation: as we have said, Gibbard and Satterthwaite's theorems show that satisfying the Independence condition is logically equivalent to being immune from strategic manipulation.

#### *What's in a name?*

The discussion above has suggested that when Little questioned Arrow's non-dictatorship condition, he raised some important criticisms of it. These criticisms have been ignored by Arrow, and by all those

writing on social choice and its implications. Even Little himself did not acknowledge the force of his own criticism. However, when the proof of Arrow's theorem is closely followed, and put into the context of voting, then it seems highly inappropriate to use the term 'dictator' for the 'decisive individual', and hence to call the relevant condition 'non-dictatorship'. But why does any of this matter? It matters because the conditions have been used to embody value-judgements about voting systems, and although 'a rose by any other name would smell as sweet', the suggestion here is that 'non-dictatorship' by many other names would become far less pungent.

For example, above in a couple of places we have used, instead of 'dictator', the term 'accidentally decisive individual'. Now even this is obscuring too much about the real way this person is revealed in the proof of the theorem. So let us use the more precise formulation of a 'preferences accidentally coinciding with those chosen by the social choice process'-individual. Then the 'non-dictatorship' condition would be called something like the 'outlawing of a "preferences accidentally coinciding with those chosen by the social choice process" individual' condition. Or if this seems too cumbersome, we might simply call it the 'Little' condition. Given this new terminology, would anyone now be able to get away with statements such as the following without giving further explanation?

'Finally, we enunciate probably the least controversial of all the conditions, the "outlawing of a preferences accidentally coinciding with those chosen by the social choice process individual" condition" (paraphrasing Arrow 1983 p. 71).

I suggest that we wouldn't, because the new name is not self-evidently a criterion of fairness, and any reader of such a statement would insist that an explanation is offered as to why it should be a condition of fairness. Similarly, when we read of the 'Independence of Irrelevant Alternatives' condition, we don't automatically recoil in horror, thinking this isn't what democracy should be about, but calmly and intelligently ask for an explanation of why it should be a condition of fairness, and calmly and rationally weigh up whether the arguments are sound. The point is that, using the emotive phrase 'non-dictatorship' means that this has seldom (perhaps only once) been done concerning the efficacy of that condition.

The suggestion here is that when this is done, then we may well decide that this condition is not needed for a social welfare function to be fair. Hence, Arrow's theorem can be transformed it into a genuine 'possibility theorem'. For it shows that there are criteria for fairness of any social welfare function, in particular a voting system, namely the conditions of independence of irrelevant alternatives, unanimity, unrestricted domain and logicity, that is 4 out of 5 of Arrow's original conditions. Given these 4 conditions of fairness, there is a Social Welfare Function that satisfies them. On occasion, this Social Welfare Function throws out a person who unwittingly has his or her preferences coincide with those

of society, but no-one need object to this. It could happen to anyone, no-one abuses their position when it does happen to them, and they won't find themselves in this position for very long.

In one revealing passage, Arrow seems to come very close to this position. He considers the case when there is complete unanimity of preferences amongst all individuals in a society, and concludes that in this case the obvious thing to do is to pick an individual at random and use his or her preference's as the social choice. However, 'this satisfies all the conditions ... except the condition that the social welfare function not be dictatorial...*since it makes no difference who is dictator*, the condition of nondictatorship loses its intrinsic desirability' (Arrow 1963 p. 74 emphasis added).

My contention here is that whenever the nondictatorship condition is invoked it is analogous to this in an important way, for the example reveals the passivity of the Arrovian dictator. It is the social welfare function that chooses him or her, rather than the outcome of the social choice process being actively overruled. This happens whenever a 'dictator' emerges. With this noted, then the condition of non-dictatorship loses its 'intrinsic desirability' in any situation.



*Appendix 8: (Chapter 6)**Economists' definitions of public goods*

Why should some economists think that excludability is the important defining feature of a public good, others non-rivalness or indivisibility? It seems to be because of the function of the concept of public goods. Public goods are important and without government provision these goods will be underprovided or not provided at all, because in part, the 'free rider' - someone who wants to consume the good but who is unwilling to pay for it - will lead to inefficiencies. That is, people fail to contribute to public goods either through fear of being taken advantage of by free riders, or because they want to adopt that role themselves. Nonexcludability clearly could lead to the problem of the free rider - because if a community were to fund a good from which no member could be excluded, then there is an incentive for some to free ride, because no-one can exclude them from doing so. So it is easy to see why some economists want nonexcludability in their definition of a public good. But, if a good is indivisible or nonrival, then this is likely to imply nonexcludability. The important point about both non-rivalness and indivisibility is that the marginal cost of serving additional persons is zero. But if it is costless to serve an additional person, then it wouldn't make any sense to exclude him or her. We can conclude that nonexcludability and indivisibility (or nonrivalness) seem to be related: indivisibility (or nonrivalness) implies nonexcludability. This may help explain why economists are not unanimous about which concept is the more fundamental to the definition of public good. If nonexcludability is implied by indivisibility (or nonrivalness), then economists might not feel the need to include it in their definitions.

### Appendix 9: (Chapter 6)

#### *What is the prisoner's dilemma?*

The prisoner's dilemma belongs to game theory, a branch of mathematics. The parable used to give it flesh is as follows: Two criminals are held in separate prison cells awaiting trial. The evidence is sufficient to convict them both on minor crimes, but they are also thought to be jointly guilty of a serious crime; however, the evidence is not sufficient to convict them of this. The serious crime would normally carry a maximum of 10 years imprisonment, the lesser crimes a maximum of 2 years. The district attorney tells the prisoners individually that if both confess to the serious crime, then he will recommend a reduced sentence of 6 years. If neither confess, then they will both be convicted for the minor crimes for 2 years. If one confesses, and the other does not, then he will recommend that the confessor get a token sentence of 1 year, and the non-confessor the full 10 years. The options for the prisoners can be shown in the matrix diagram below where the first number of each pair shows the number of years in prison for prisoner 1, the second for prisoner 2:

		prisoner 2	
		don't confess	confess
prisoner 1	don't confess	2,2	10,1
	confess	1,10	6,6

The significance of the game is, given certain assumptions about the players' behaviour, there is 'dominant strategy' for each player. The assumptions are that the players are 'rational' in the economist's sense of seeking to maximise their own utility, (measured in this example by length of time out of prison); they are ignorant of what the other person will choose; and they have 'complete knowledge' of the outcomes - in the prisoners example this means they have faith in the attorney, and assume the judge accepts his recommendations. Given these assumptions, the 'dominant strategy' is to confess, whatever the other prisoner does. For if prisoner 1 confesses then he or she will either get the token 1 year (if prisoner 2 doesn't confess) or 6 years (if prisoner 2 does confess). In both cases this sentence is less than if prisoner 1 had instead not confessed: 1 year compared with 2 if prisoner 2 doesn't confess, 6 years compared with 10 if prisoner 2 does confess. This is, in a loose sense, a 'dilemma': for both to confess gives an inferior outcome to neither confessing.

Now, the dilemma arises because of particular relationships between the four potential outcomes. In the prisoners example, using the customary terminology, the 'temptation' (T) to 'defect', at 1 year, is less than the 'reward' (R) to 'cooperate', at 2 years. This in turn is less than the 'punishment' (P) for mutual defection, 6 years, which is itself less than the 'sucker's payoff', (S) at 10 years.

The example on which the prisoner's dilemma is based looks at years in prison, hence at punishment rather than reward. This means that the relationships between T, R, P and S are reversed when we come to look at examples which involve the rewards on offer to people, as is usually the case. Hence in most cases, we will find that the relationship  $T > R > P > S$ , must hold if the game is to be a prisoner's dilemma.

A classic economic example of market failure to provide public goods using the prisoner's dilemma concerns the issue of whether to fit vehicle catalytic converters to reduce air pollution. Should these be made compulsory or can motorists be trusted to fit one voluntarily?<sup>16</sup> The game theorist might first, for simplicity, consider a two-person society. The standard assumptions in game theory would then be attached to the individual players; that is, they have perfect knowledge of their own utility functions concerning the outcomes, they are self-interested and interested in maximising their own outcomes. We could then show their preferences on a two-dimensional matrix. Let us put some flesh on to the example by introducing numbers. Suppose that a device costs £10 to fit, and that every such device contributes to reducing air pollution, but the value to each individual of one device fitted is, say £7 (in clean air benefits)<sup>17</sup>. This benefit accrues to each individual whether or not they have a catalytic converter fitted. It is a public good in the economists' sense. Then the game can be illustrated in the following matrix:

		person 2	
		install	don't install
person 1	install	£4, £4	-£3, +£7
	don't install	£7, -£3	0, 0

That is, if both motorists install the device, they each pay £10, but receive £14 worth of clean air benefits, (because there are two catalytic converters fitted). However, if one installs, and the other doesn't, then the person installing pays out £10 and receives £7 benefit, i.e. a net loss of £3, whereas the person who doesn't install simply receives the £7 without any cost. Thus again there is a 'dominant strategy': it is rational for each, whatever the other does, not to install a catalytic converter. It is rational for both to attempt to 'free ride' on the other doing so. But again they would both be much better off if both had installed. The prisoner's dilemma therefore seems to suggest the need for some form of government action to arrive at this optimal position.

<sup>16</sup> Example from Ordeshook 1986 pp. 207ff.

<sup>17</sup> Note that the assumption of 'complete knowledge' means each player is able to translate the clean air benefits into this value of £7.

### *Appendix 10: (Chapter 6)*

#### *Assumptions of game theory*

Game theory is usually taken to assume that the players have complete information - that is that 'players are endowed with information about all the strategies and payoffs available to all other players' (Hechter 1992 p. 34) - and are self-interested and aiming only to maximise their own utility. These assumptions might seem objectionable to some, and so it might be worth suggesting why I think it is worth exploring game theory in a little detail. Let us be quite clear, then, that the reason why I am looking at game theory is because Jonathan (with respect to philosophy and educational provision), Raz (with respect to moral and political philosophy), and the public goods theorists in general (with respect to political philosophy and political economy), have all used the prisoner's dilemma and other games to show the impossibility of collective action without the state. *They* started the argument on this territory, and so it is necessary to respond to them on that same territory. Had they not used game theory in this way, it is possible that those opposing them might not have chosen it either as a useful vehicle for exploring these issues. But if they are happy with drawing conclusions from the strict assumptions mentioned, then it is legitimate that I try to do so too.

In any case, the assumptions are not quite as negative for my task as they might first seem. Firstly, consider the assumption about self-interest. What the public goods theorists have done is posit an extremely dismal notion of a person, interested in maximising his or her own utility, a Hobbesian person. But if we are able to take the same gloomy notion and show that, even then, cooperative solutions are possible, then it might be felt that, when we move closer to the real world of human interaction, cooperative solutions might become more likely. As De Jasay points out, game theory avoids founding its argument on 'the decency, far-sightedness, and considerateness of human nature' (De Jasay 1989 p. 126). But: 'It may well be that man's better self is more robust than he is given credit for in the bleak theory of public goods. In particular, it may be the case that his better self becomes the more assertive, and his ability to sustain good co-operative solutions the more reliable, the more often it is appealed to by prevailing social arrangements' (p. 126). But public goods theorists must be challenged on the pitch they set: so any challenge must take as bleak a view of human nature, 'eschewing all reliance on our better selves lest it be open to the wholly proper objection that no solution to a vital problem is much good that does not withstand 'selfishness' in motivation and single-mindedness in its pursuit.' (p. 127).

What of the second assumption, about complete information? In the simple games shown in chapter 6, complete information is assumed, as it was in early game theory. However, more sophisticated game theory does construct games based on the more realistic assumption of incomplete information, using a probabilistic model to reflect players uncertainties about the parameters of the game (Harsanyi 1992 p. 52; see Kreps 1990 for a discussion of the extensive literature on this). Introducing a probabilistic

model clearly makes the outcome of the games uncertain - but then this caveat cuts both ways, affecting anyone who wishes to use game theory to reach any conclusion. It would affect the supporters of state intervention as well as those opposing it. So neither of these assumptions of game theory is detrimental to the case being set out here.

## Appendix 11: (Chapter 6)

### *Models of Educational Provision - Additional Mathematics*

N.B. In all the models it is assumed that  $b$ ,  $f$ , and  $p$ , (the benefits, fees, and private benefits respectively) are non-zero.

#### **First model**

##### *Section 1*

In general, it can be shown that this situation is a prisoner's dilemma whenever  $2b > f > b$ , where  $b$  is the external benefits per child educated, and  $f$  the fees per child. Using the standard terminology,  $T = b$ ,  $R = 2b - f$ ,  $S = b - f$ , and  $P = 0$ . For a prisoner's dilemma,  $T > R > P > S$ . That is,  $b > 2b - f > 0 > b - f$ . This is true whenever  $2b > f > b$ . Note too that this situation can never be a game of chicken. For then,  $T > R > S > P$ , which brings  $b > 2b - f > b - f > 0$ . This gives the contradiction of  $f > b$  and  $b > f$ !

#### **Second model**

##### *Section 2*

Generalising from this example, we find that whenever the fees are less than twice the benefits,  $2b > f$ , this game will be a game of chicken. However, it will be a prisoner's dilemma if the fees are greater than twice, but less than four times, the benefits,  $4b > f > 2b$ . As before, school fees are  $f$ , benefits per child are  $b$ . Then  $T = 2b$ ,  $R = 2b - f/2$ ,  $S = 2b - f$ , and  $P = 0$ . For chicken,  $T > R > S > P$ , i.e.  $2b > 2b - f/2 > 2b - f > 0$ , which is true when  $2b > f$ . For prisoner's dilemma, the last pair of inequalities is reversed, which gives  $4b > f > 2b$ .

#### **Third model: private and public benefits to education**

##### *Section 3*

To be a prisoner's dilemma, we need, as usual,  $T > R > P > S$ , where  $T = b$ ,  $R = 2b + p - f$ ,  $S = b + p - f$ ,  $P = 0$ . These inequalities give:  $2b + p > f > b + p$ .

Note that this situation can never be a game of chicken, for then we would have:  $T > R > S > P$ . This gives  $b > 2b + p - f > b + p - f > 0$ . The outside and the inside inequalities give  $f > b + p$  and  $b + p > f$ , a contradiction!

##### *Section 4*

We have  $R = 2b + p - f/2$ ;  $T = 2b + p$ ;  $S = 2b + p - f$ ;  $P = 0$ . To be a prisoner's dilemma, this would need  $T > R > P > S$ . That is,  $2b + p > 2b + p - f/2 > 0 > 2b + p - f$ . This is true if  $f > 2b + p > f/2$ . To be a game of chicken, this would need  $T > R > S > P$ , i.e.  $2b + p > 2b + p - f/2 > 2b + p - f > 0$ . This is true if  $2b + p > f$ .

##### *Section 5*

To be a game of chicken, previously we needed  $2b > f$ . Now we need  $2b + p > f$ , which is more likely to be fulfilled.

### Section 6

If funds are returned if enough money isn't raised, we have:  $R=2b+p-f/2$ ;  $T=0$ ;  $S=0$ ;  $P=0$ . This is still an assurance game provided that  $2b+p>f/2$ , which is more likely to be true than in the previous case, where the condition was only  $2b>f/2$ .

### Fourth Model

#### Section 7

In general there will be this single equilibrium if  $b+p>f$ : for the benefit of player 1 being an 'altruist', i.e. in paying player 2's fees, is  $2b+p-f$ ; if player 1 is not 'altruistic', then the benefits are  $b+p-f$ . Hence it is in player 1's interest to pay the fees if  $2b+p-f>b+p-f>0$ . For player 2 to accept player 1's help, we need  $2b+p>b>0$ , or  $b+p>0$ , which is always true, not surprisingly. However, if  $b+p\leq f$ , then there are two equilibria, one the same as before, the second for player 1 not to pay, and hence player 2 not to attend. The comments about multiple equilibria in footnote 41 suggest that the former is again likely to be the solution.

#### Section 8

Let the fraction of fees to be paid for by player 2 be  $k$ , ( $0<k<1$ ). Then we will have, analogously to above, that player 1 will pay the remaining fraction  $(1-k)$  of the fees if the following inequality is satisfied:  $2b+p-(1-k)f>b+p-f>0$ . Similarly, it is in player 2's interest to pay proportion  $k$  of the fees if  $2b+p-kf>b>0$ . For player 1, then, we have  $b-(1-k)f>-f$ , that is  $b>-kf$ , which is always true, as  $b, k, f$  are all positive by assumption; we also get from the first inequality,  $b+p>f$ , as before. For player 2, the second condition gives  $2b+p-kf>b$ , i.e.  $b+p>kf$ . Clearly, the smaller  $k$  is, the more likely this condition is to hold.

## Appendix 12: (Chapter 6)

### many-person games

The intention here is simply to show that education can be modelled in the many-person games, that the two person games can be extended as desired. This is so that we can use the results already derived from game theory to show the kinds of solutions already derived: the intention again is not to move forward the frontiers of game theory.

The first model we considered in chapter 6 above was the case where a person is choosing to purchase schooling for his or her own child and is aware of external benefits but not private benefits. This type of game can be extended to a many-person prisoner's dilemma game to model the interactions in a more realistic society. Suppose we have  $(n+1)$  people deciding whether or not to spend money on schooling. To show adequately the options we would really need an  $(n+1)$ -dimension matrix; failing that we can represent the options of the people in a slightly more complex normal form. Below is an extract from such a table, based on the figures used earlier, with £700 external benefits per child educated, and school fees of £1000. The table shows the payoffs to the  $i$ th person, (all units £):

		all other persons				
		0 pay	...	j pay	...	n pay
		n don't	...	n-j don't	...	0 don't
ith person	pay	700-1000	...	700(j+1)-1000	...	700(n+1)-1000
	don't pay	0	...	700j	...	700n

Again it can be seen that, by looking at the payoffs in each of these columns, that, regardless of what anyone else does, 'don't pay' is a dominant strategy for the  $i$ th person. That is, £0 is greater than -£300, i.e. £700-£1000; £700j is greater than £700(j+1)-£1000, and so on. By symmetry, this is also the dominant strategy for all individuals. But with everybody choosing not to pay, then their payoffs will be zero each, as in the first column. However, if everyone had sent the child to school, then the payoffs could have been the large sum of £700(n+1)-£1000.



So the first model - a prisoner's dilemma under some circumstances in the two-person case - can translate into a prisoner's dilemma in the many-person case. That is, universal defection will be the result after one game.

The second model we considered was when one person (or family) could provide the funds for schooling for all. This can be more realistically generalised by saying that there is a percentage of the persons (or families) who could fund the schooling for the community, but each person (or family) would prefer to be in the proportion that didn't pay. However, no-one would want for there to be no school. Again we can generalize this model, although with slightly more difficulty. Taylor notes that the central feature of the two-person game that should be maintained in the many-person game is that each player is able to bind himself irrevocably, in this case, to non-payment for schooling. This is so that others will be convinced that he won't cooperate, and hence choose to cooperate themselves (Taylor 1987 p. 41). Again, it is assumed that each person prefers the situation when all players do cooperate, over that when no players cooperate. The best course of action for each player is for all others to cooperate while he or she chooses not to. In fact, the natural extension of the two-person game, as Taylor notes, is for each player to prefer 'to Defect if "enough" others Cooperate, and to Cooperate if "too many" others Defect.' (p. 41). In the many-person game of chicken, Taylor has shown that rational individual action could lead to the undesired outcome of not enough people cooperating: 'For in the rush to be among the first to make a commitment to non-Cooperation (and thereby secure a free ride on the Cooperation of others), the number so binding themselves may exceed the maximum number of players able to commit themselves without inducing non-provision of the public good.' (p. 43). It must be stressed that the cause of the inferior outcome is pre-commitment. Taylor suggests that this would be a risky decision - because of the possibility of, in our case, not enough funds being raised, and the teacher going elsewhere. Hence he concludes that some will be put off by this risk, and not go for pre-commitment. That is, cooperation is more likely in the (one-off) game of chicken than in the (one-off) prisoner's dilemma (p. 58).

Thirdly, we had the situation where an individual's contribution by itself was insufficient to provide a school, which led in the two-person case to the assurance game. The generalization of this to the many-person case would be similar to the above case, the game of chicken, except that now, the school could only be funded if *all* members of the community contributed. This is now a less realistic situation than that outlined above<sup>18</sup>. One way in which the game might be an assurance game is if the educational entrepreneur for reasons, perhaps, of community spirit stipulated that he or she would only go ahead with building and staffing a school if all members of the community did contribute. If there was a single defector, then the school would not be built. In this case, the many-person game of this would

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<sup>18</sup> Note that if it was agreed that some proportion less than the whole community could fund the school, then the game would deteriorate into the game of chicken above.

also be an assurance game. That is, (i) all paying for schooling is preferred by each player to universal non-payment, and (ii) an individual will prefer to pay for schooling if at least a certain number of other players do the same, but otherwise will prefer not to pay, so that the only equilibria are when all pay, or when all do not<sup>19</sup>. The likely outcome will then be the more advantageous universal cooperation.

Our fourth model included private as well as public benefits. This would alter the many-person games by providing additional incentives for individuals to contribute to schooling, making the prisoner's dilemma game less likely, and the chicken game and the assurance game more likely to arrive at the cooperative solution.

Finally, our fifth model investigated the problem of poor citizens not being able to pay for education at all. We could generalize this as a situation where a percentage of the population were not able to pay for schooling. As the two-person case looked at the situation when 50% of the population (i.e. one family) was not able to pay for schooling, we find that if a proportion greater than this is able to pay, it becomes even more likely that it will be in their interests to pay for the schooling of the minority. Again, however, as soon as this situation is opened up in this way, there becomes an incentive for families to lie about their relative poverty, and to pre-commit themselves to not paying. In other words, the game could deteriorate into a game of chicken. The earlier comments about the risk involved pertain here. Also the earlier comments about there being an external body which is not the state which is able to impose some means-test on the community is also relevant. The educational entrepreneur can easily ask for some way of verifying that families asking for bursaries are really too poor to pay.

In all of these cases, then, moving to the many-person game extends the results of the previous two-person games. Some are likely to be prisoner's dilemma, but many plausible situations will be games of chicken or assurance games, or hybrids of these.

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<sup>19</sup> An 'intermediate' situation (in which some players pay and some do not) will not be an equilibrium because it will be in each player's interests to unilaterally change his or her strategy.

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